



**CITY OF SILVERTON**  
**CITY COUNCIL REGULAR MEETING**  
Monday, December 04, 2023 – 6:30 pm

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**Council Chambers – 421 South Water Street and Zoom**

**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 at 503-874-2216 at least 48 hours prior to the meeting.

A copy of the full packet is available on the City's website at <https://silverton.or.us/meetings>. In accordance with House Bill 2560 and City of Silverton Resolution 22-06, the meeting will be held in a hybrid format: in person, and electronically using the Zoom web conference platform. Please submit written comments to [publiccomment@silverton.or.us](mailto:publiccomment@silverton.or.us) by 3:00 p.m. on Monday, December 04, 2023. Comments received will be shared with the City Council and included in the record. If you wish to participate through the Zoom web conference platform, see meeting information below.

Zoom meeting link:

<https://us02web.zoom.us/j/86069656539?pwd=YTVWb1ptdk1uQkRrUGJTbDFnVUo4UT09>

Webinar ID: 860 6965 6539

Passcode: 848702

Telephone: 1 253 215 8782

## **AGENDA**

**I. OPENING CEREMONIES** - Call to Order, Pledge of Allegiance and Roll Call

**II. APPROVAL OF MINUTES**

- 2.1 Minutes from November 06, 2023, City Council Meeting and the November 20, 2023, City Council Work Session.

**III. PUBLIC COMMENT** – This is a business meeting of the City Council. The City values and welcomes public input. Please address the Council as a whole and not individual Council Members. Do not address staff or members of the audience. Council action on items brought up in Public Comment is limited by the Oregon Open Meeting Law. The Council may direct staff to study the matter and reschedule it for further consideration later. Items on the agenda will not be heard or discussed during Public Comment but will be accepted at that place on the agenda. Individuals are limited to three (3) minutes.

**IV. PROCLAMATION**

- 4.1 Kiwanis Club of Silverton Day – December 05, 2023

**V. SCHEDULED PRESENTATIONS**

- 5.1 Silverton Chamber of Commerce Monthly Report – Executive Director Stacy Palmer

**VI. PUBLIC HEARINGS**

- 6.1 Zone Change Public Hearing – Community Development Director Jason Gottgetreu

- 6.2 Annexation Public Hearing - Community Development Director Jason Gottgetreu

**VII. DISCUSSION/ACTION**

7.1 Water Quality DEQ MAO Update – Water Quality Supervisor Brad Jensen

**VIII. CONSENT**

8.1 Emergency Operation Plan Updates – City Manager Cory Misley

8.2 Civic Center Change Order Ratification – Community Development Director Jason Gottgetreu

8.3 Annual SDC Report FY 2022-2023 - Deputy City Manager/Finance Director Kathleen Zaragoza

**IX. COMMITTEE APPOINTMENTS**

9.1 Reappointment to the Oregon Garden Foundation Board

**X. CITY MANAGER UPDATE****XI. COUNCIL COMMUNICATIONS****XII. ADJOURNMENT**



## CITY OF SILVERTON CITY COUNCIL REGULAR MEETING MINUTES

Council Chambers 421 S Water Street and Zoom Web Conference Platform

November 06, 2023, 6:45 pm

### I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call

Mayor Freilinger called the meeting to order at 6:47 p.m. The City Council and staff were present both in person and through the virtual meeting platform Zoom. Mayor Freilinger explained the meeting was being held in a hybrid format, pursuant to City of Silverton Resolution 22-06, adopted March 7, 2022.

Present	Absent
X _____	Mayor Jason Freilinger
X _____	Council President Elvi Cuellar Sutton
X _____	Jess Miller
X _____	April Newton
X _____	Eric Hammond
X _____	Marie Traeger
X _____	Matt Gaitan

### STAFF PRESENT:

City Manager Cory Misley, Community Development Director Jason Gottgetreu, Police Chief Jim Anglemier, Public Works Director Travis Sperle, Assistant to City Manager/Human Resources Coordinator Tammy Shaver.

### II. APPROVAL OF MINUTES

Councilor Sutton moved to approve the October 02, 2023, Regular Session Meeting Minutes, and the October 16, 2023, Work Session Minutes. Councilor Miller seconded. No discussion. Motion passed unanimously. (7-0-0)

### III. PUBLIC COMMENT

Wilma “Trudy” Riggs, Silverton, Oregon

Ms. Riggs expressed concerns about the crosswalk located at N. Water Street and High Street. She is concerned about the visibility of pedestrians when using the crossing and felt the vehicles parked in the adjacent parking spaces obstruct the view of those pedestrians. Ms. Riggs also talked about “Danger Hill” and the significant number of vehicles she watched during Halloween evening in the area of Steelhammer and E. Main Street, she counted two hundred (200) cars in the span of a couple of hours and said there is no safe place to walk.

### IV. SCHEDULED PRESENTATIONS

4.1 Silverton Chamber of Commerce Executive Director, Stacy Palmer

Mrs. Palmer read the monthly update (Attachment A) Silverton Business Group meets Wednesday mornings at 8:00 a.m. at Silver Falls Brewery, except on the third Wednesday of the month when they host the 'Lunch & Learn' from 11:30 a.m. to 12:45 p.m. The next meeting is scheduled for November 15, 2023, and will feature City Manager Cory Misley.

This week, the Chamber is holding a special going away party for Assistant Fire Chief Ed Grambusch. Ed has been a valuable participant in the Silverton Business Group Meetings and will be missed.

Mrs. Palmer wanted to congratulate Guerra's Restaurant for winning the Marion County Employment First Award last month. The award recognizes employees, employers, and employment professionals who champion the cause of Employment First for people with disabilities in our communities.

The North Marion Tourism Collaborative recently completed their Strategic Plan and established a Board for oversight. Mrs. Palmer let us know she was selected to be a part of the Board to represent tourism promoters and the Silverton community.

Mrs. Palmer said they are waiting to hear back on a Travel Oregon grant which would help provide digital resources and training for our tourism-facing businesses in the region. They are also working on additional grants to help provide training opportunities for Chamber members in everything from marketing, QuickBooks, human resources, or anything the group decides it might need.

The Goblin Walk on Halloween was a huge success. There were trick-or-treat spots all over town and feedback indicates they were busy. The Chamber handed out over 100 pounds of candy. Mrs. Palmer thanked the Silverton Police Department for their efforts to close Main Street, keep our children safe, and for all they do to be a part of and encourage the activities occurring in town.

The First Friday Tree Lighting will be held on Friday, December 1, 2023, at 6:00 p.m. Wave Broadband is presenting the tree lighting, the program starts at 6:00 p.m. and the tree lighting is at 7:00 p.m. Town Square Park will be decorated with lights and garland on the Sunday after Thanksgiving, November 26, 2023, starting at 10:00 a.m. The lights will be installed on the big tree the following Tuesday, November 28, 2023.

The Silverton Mt. Angel Shop Hop has been revamped. This year there are about thirty (30) businesses participating and to fill out your passport you need to visit less shops than last year, however, you must make a purchase to get a stamp. You can fill out multiple passports as long as you make the necessary number of stops at participating merchants and make a purchase at each one. The Hop starts November 24, 2023, and runs through December 12, 2023. Winners will be drawn at the December 13, 2023, Silverton Business Group Meeting.

The 2024 First Citizen Banquet is scheduled for Saturday, February 17, 2024, at the Oregon Garden. Mrs. Palmer reminded us to nominate deserving people for the First Citizen, Distinguished Service, and Business of the Year awards. You can send the Chamber an email to nominate.

4.2 Marion County Economic Development Strategy Update – Marion County Economic Development Program Manager, AIC Kelli Weese, AICP

Ms. Weese talked about the update to the Strategic Plan and their goal to make certain they are getting input from cities. She emphasized it is important for them to help cities grow employment, keep existing jobs, promote community, and develop, and add capital improvements; anything that would improve the standard of living.

Ms. Weese talked about funding coming from Oregon Lottery proceeds which are being utilized to encourage growth. Typically, that amounts to about two million dollars (\$2,000,000) per year, and they work to leverage those dollars. This year there was over nineteen million dollars (\$19,000,000), which is an anomaly, the majority will be used for the canyon to help with wildfire recovery.

Ms. Weese mentioned several communities they are helping with projects. On November 17, 2023, they will be closing their public outreach. She wants to know how Silverton is doing, how they can better support Silverton and in what ways we can collaborate. The presentation (Attachment B) contains a page "Get Involved!" with QR codes and a survey, she requests input from the City. Included is a public survey and anyone is welcome to complete it.

## **V. PUBLIC HEARING**

5.1 Manufactured Home Rehabilitation Program and Adopt Resolution 23-28 – A Resolution Supporting Assisted Housing Programs, Community Development Director Jason Gottgetreu.

Community Development Director Jason Gottgetreu yielded the floor to John Schmidt, Mid-Willamette Valley Council of Governments (MWVCOG) Housing Rehabilitation Loan Manager, who was invited to speak because the City is completing a Manufactured Housing Rehabilitation Grant Program, awarded February 2022. Schmidt told Council seventeen (17) homeowners benefited from this grant program in Silverton, one hundred sixty-five thousand, nine hundred and fifty-two dollars (\$165,952) was spent in our community. Other communities benefiting from this program included Stayton and Hubbard. A total of three hundred forty-two thousand, eight hundred and fifty-three dollars (\$342,853) was spent assisting homeowners who live in manufactured home parks in the three communities.

Mayor Freilinger asked Schmidt to explain Silverton's unique position and role in this group. Schmidt explained the City began meetings during the latter part of 2021, there were Community Development Block Grant (CDBG) Covid -19 funds available, the City applied for and partnered with Stayton and Hubbard and were awarded four hundred and seventy thousand dollars (\$470,000).

Councilor Newton asked if the program was ending, and Schmidt confirmed it was. He also said there is the potential for future funding but the City would have to apply again, this time through Marion County.

Mayor Freilinger clarified the resolution was for the purpose of supporting assisted housing programs. Schmidt explained the public hearing and the resolution were requirements of the grant to close it.

Mayor Freilinger opened the public hearing regarding Manufactured Home Rehabilitation Program and to take comments about local government performance and adopt Resolution 23-28 at 7:25 p.m.

No public comment.

Mayor Freilinger entertained a motion to close the public hearing.

Councilor Sutton moved to close the public hearing.

The Public Hearing closed at 7:26 p.m.

A motion was made by Councilor Sutton to pass Resolution No. 23-28, A Resolution Supporting Assisted Housing Programs. Councilor Miller seconded. No discussion. Motion passed unanimously (7-0-0).

## **VI. DISCUSSION/ACTION**

6.1 Authorize the City Manager to Amend the contract with Compass Project Solutions, for the Civic Center Project - Community Development Director Jason Gottgetreu

Louis Mendoza and Ricardo Becerril from Compass Project Solutions joined Community Development Director Jason Gottgetreu. Gottgetreu provided a summary about the need for the amendment and extension. Gottgetreu explained the extension is not caused by a single reason. Some of the reasons for the amendment and extension include, supply chain issues, including the generator, which was ordered about 60 weeks ago, and was just delivered, change orders which fall into different categories, incorrect installations, and City requests for items to add resilience to the building, as well as design enhancement and clarification.

Becerril agreed with Gottgetreu's assessment of the reasons for the extension. Becerril provided some history and a timeline. Becerril informed Council there is about ten to twelve percent (10-12%) of the project left to complete.

Mayor Freilinger invited public comment.

Robert Wood, Silverton, Oregon

Mr. Wood wanted to know the value of some of the outstanding change orders on the Civic Center Project. Gottgetreu said Compass is tracking the change orders known but not yet processed. Mr. Wood also expressed concerns about potential extended overhead claims from subcontractors. Ricardo Becerril and Louis Mendoza, from Compass Project Solutions, responded they were aware and in active negotiations with the general contractor on their time extension. Becerril said there is no singular responsibility for the extension and a significant portion of the extension of the general contractor's timeline is the contractor's responsibility and they acknowledge they are responsible. Becerril said the ensuing responsibility for the subcontractors would fall on the general contractor.

Mr. Wood asked when substantial completion of the Civic Center Project would be occurring. Becerril and Mendoza said substantial completion would occur close to Christmas, December 25, 2023, and Compass recommended the City not take occupancy until February or March which would allow time to handle any punch list and quality control issues to the City's and design team's satisfaction.

Mr. Wood then reiterated his first question asking if there was a value of the published or outstanding claims or change orders. Mendoza and Becerril reminded Mr. Wood they were in negotiation with both the architect and the contractor and provided information on the project contingency. Eighty-eight to ninety percent (88-90%) of the construction work has been completed. Ninety-three percent (93%) of the original contingency has been spent. Becerril explained every dollar is of critical importance and all the known costs and exposures to the City should fall within the remaining contingency.

Councilor Traeger asked why the agenda said substantial completion in February 2024 when Compass said December. Becerril clarified date at the end of February was final completion.

A motion was made by Councilor Sutton to authorize the City Manager to amend the contract with Compass Project Solutions, Incorporated, to increase the not to exceed amount by one hundred thirty-two thousand nine hundred eighty-seven dollars and seventy cents (\$132,987.70) to six hundred ninety thousand one hundred fifty-one dollars and sixty-six cents (\$690,151.66) for the Civic Center Project. Councilor Newton seconded. Motion passed unanimously (7-0-0).

6.2 Authorize the City Manager to Amend the Contract with Mackenzie Engineering Architect for the Civic Center Project to Increase the Not to Exceed Cost by \$166,941.85 – Community Development Director Jason Gottgetreu Community Development Director Jason Gottgetreu explained this has many of the same highlights as the previous item on the agenda where it is the additional time causing the needed increase in the contract amendment and scope. Gottgetreu referenced a letter from Mackenzie September 27, 2023, and advised the City has talked with Mackenzie.

Councilor Miller requested verification this amount falls within the previously mentioned contingency. Ricardo Becerril, Compass Project Solutions, confirmed it did.

Councilor Newton clarified the increase was not for the amount of nine hundred twenty-six thousand, nine hundred forty-one dollars and eighty-five cents (\$926,941.85) but for one hundred sixty-six thousand, nine hundred forty-one dollars and eighty-five cents (\$166,941.85).

A motion was made by Councilor Sutton to authorize the City Manager to Amend the Contract with Mackenzie Engineering Architect for the Civic Center Project to Increase the Not to Exceed Cost by one hundred sixty-six thousand nine hundred forty-one dollars and eighty-five cents (\$166,941.85) to nine hundred twenty-six thousand, nine hundred and forty-one dollars and eighty-five cents (\$926,941.85). Councilor Miller seconded. Motion passed unanimously (7-0-0).

## **VII. CONSENT**

A motion was made by Councilor Sutton to approve the Consent Agenda including agenda items 7.1-7.2. Councilor Miller seconded. No discussion. Motion passed unanimously (7-0-0).

- 7.1 *Resolution 23-29 – Authorizing Signers on City Bank Accounts*
- 7.2 *Civic Center Change Order Ratification*

## **VIII. COMMITTEE APPOINTMENTS**

Mayor Freilinger brought up an opening on the Transportation Advisory Committee. Jeff Tinkham, owner of the Noble Fox, applied last time and he still wishes to be a part of the committee. Mayor Freilinger supports appointing him to the Committee.

A motion was made by Councilor Miller to appoint Jeff Tinkham to the available opening on the Transportation Advisory Committee for the remainder of that term. Councilor Newton seconded. No discussion. Motion passed unanimously (7-0-0).

Mayor Freilinger requested a motion shrinking the Affordable Housing Task Force from thirteen (13) members to eleven (11) members. He reminded everyone the Affordable Housing Task Force was not formed by resolution or ordinance. It was passed and created by a motion.

Councilor Hammond asked how long the Affordable Housing Task Force would be needed. Mayor Freilinger said it was not possible to provide a timeline because it can be intertwined with Planning and which can take considerable time to resolve issues. However, in the future, he and the Council will be considering a City policy about how task forces and committees should be formed to standardize the process.

A motion was made by Councilor Hammond to change the membership for the Affordable Housing Task Force from thirteen (13) members to eleven (11) members. Councilor Sutton seconded. No discussion. Motion passed unanimously (7-0-0).

## **IX. CITY MANAGER UPDATE**

City Manager Cory Misley provided an update of his first three (3) weeks and one (1) day as City Manager. He provided a snapshot of how he has been spending his time which included meeting with all the Council members individually and each department within the City. Misley said he has at least been able to make introductions. He has attended the following meetings, Environmental Management Urban Tree Committee, Affordable Housing Task Force, Urban Renewal Agency Advisory Committee and listened to a Planning Commission and Transportation Advisory Meeting. Misley has plans to attend the upcoming Parks Master Plan Advisory Committee. He has attended at least ten (10) meetings related to the Civic Center Project which is complex and in the eleventh (11<sup>th</sup>) hour. Misley has had meetings with legal, attended a Chamber Breakfast, met with Stacy Palmer, Chamber Director, the YMCA, Silverton Area Community Aid (SACA), Sheltering Silverton, the Oregon Garden Foundation, Mural Society, fire district, and Regional Solutions from the Governor's Office. He is working to understand what is in motion, he wants to be as much assistance as possible when the calendar flips to 2024. He reminded Council there will be a budget check-in in December, to look at where things are at the mid-point of the fiscal year.

Mayor Freilinger expressed his appreciation at how proactive City Manager Misley is being. He has received positive feedback from everyone who has interacted with Misley, and he is a positive addition to the City.

## **X. COUNCIL COMMUNICATION**

Councilor Miller mentioned the parking layout and N. Main Street visibility and wanted to know if it was known whether any incidents have occurred there. Miller said he too has crossed that area and had concerns about visibility. He would like to look more closely into the situation to determine if there is a need to potentially move or reduce parking.

The American Legion contacted Miller about including the City and City staff for the dedication of the Space Force Flag which will occur on December 20, 2023, at 12:00 p.m., at the Plaza where the Memorial is located.

Councilor Newton talked about the mural for the Civic Center and the original spot proposed for its placement, she feels the location was good. City Manager Misley let her know the Mural Society would be returning to share their current proposal during the City Council Work Session on November 20, 2023.

Newton referenced Ms. Riggs' concerns and said she lives in the same area and Main St. and Steelhammer are very busy there. She articulated a concern regarding where the City needs to initiate the process to start sidewalks. She felt the lack of sidewalks by the Water Treatment Plant did not support the best image of the City. Newton would like Council and staff to keep this on their minds.

Councilor Hammond expressed agreement with Councilor Newton on the sidewalk issue. Hammond said he has been researching the League of Oregon Cities (LOC) and heard they, who are our lobbying group, had been lobbying for changes to Measure 110. He said he has been deep diving into what the LOC does, and he thinks we need to be proactive about steering them to represent our City the way we want it represented. Hammond believes we should have a voice and encourages communication with LOC.

Councilor Gaitan read a statement about the importance of voting on November 7, 2023. The Silver Falls School District has a bond being voted on and he emphasized how important our schools are for our children and how important it is to vote.

Councilor Newton agreed with Gaitan and thanked him for making a statement about voting for our schools.

Councilor Traeger wanted to follow up on the Veteran's Day presentation on street banners. She wanted to ensure it has not been overlooked or forgotten. Mayor Freilinger provided an update and said he has been talking with the City Manager and they are continuing to work on it.

Traeger then asked if the City Manager has contacted the National Guard about the Community Center. City Manager Misley said he has initiated contact with the representative we have historically worked with and is awaiting a response. Misley said he has also been in contact with all the lessees of the building. Misley's goal is to have a tentative direction by the end of December.

Traeger expressed concern about the money being spent on the Civic Center. She wanted to direct attention to the "promises" made to the community about the Civic Center and how the opening will be handled because the community will be scrutinizing it. Traeger stated the community is noting the amount of money being spent and although she doesn't know what a previous Council may have "promised" the community, they remember those statements and we need to be mindful of that.

Councilor Sutton agreed with Councilors Miller, Newton, and Hammond regarding sidewalks and sidewalk placement. Sutton agrees a safe place to walk is needed and would like to talk about it during goal setting. She expressed her concerns with "Danger Hill" and the original plan which is no longer in the budget. Sutton also asked whose responsibility it was to clean the storm drains. Public Works Director Travis Sperle explained it is the responsibility of Public Works, but they appreciate the assistance of the citizens. Sutton believes the City should put something on social media encouraging residents to help by clearing debris or leaves away from the drains.

Sutton asked about the speed zone change, Sperle responded he sent an email in to the Oregon Department of Transportation (ODOT) informing them the City did not agree with their assessment and would like the speed zone changed to what was originally asked for, thirty (30) miles per hour (mph) not thirty-five (35) mph and they agreed. Sperle further said the speed limit by Mountain View will be raised to forty-five (45) mph, as that area is in ODOT's jurisdiction. Sperle does not know when this will occur however, as soon as he has an update, he will advise Council. Sutton said this was a win and all of Council expressed their gratitude.

Mayor Freilinger started his communication by talking about Transportation Committee related items, what happened on S. Water, if Council agreed, he would like the Committee to now look at North 1<sup>st</sup> St. Freilinger says he hears a lot about safety and speed concerns from citizens. He also wanted to see some focus on E. Main St by the skate park, Senior Center, and the Robert Frost School crossing. He would like the Transportation Committee to look into these areas to see what speeds might be recommended. Councilor Newton clarified; the speed was forty-five (45) mph from the Oregon Garden to the Senior Center. Freilinger also requested attention to the High St. and Water St. intersection. Freilinger mentioned this might be fixable within the City Ordinance.

Freilinger updated the Council on his meeting with Marion County Commissioner Bethel, he stated he was impressed with her depth of knowledge, passion, and willingness to help Silverton. He would like to promote a Safe Routes to School program which would include improvements on Westfield St. Commissioner Bethel offered County assistance to help write the grant and to partner with Silverton. Bethel also expressed a willingness to partner with Silverton regarding affordable housing.

Freilinger explained he has been in multiple conversations with the YMCA and SACA about the Community Center he plans to continue discussions. In summary, they are waiting for the City to make a decision. Freilinger wanted to discuss the Grand Opening of the Civic Center. He has started discussions with City Manager Misley, about how it might be conducted. Freilinger would like Council to let him know what they envision as their involvement.

Freilinger wanted to make sure Council and the City were aware of two (2) subject matter town halls scheduled to occur in December. The Parks and Rec Committee for public feedback is tentatively scheduled for the first week of December. The Urban Renewal Agency, regarding the Main St. project, the details have not been set and he is still working on it. Freilinger requested Council members make appearances at these events.

Freilinger spoke about the All-Abilities Park. He stated there is no scheduled opening date at this time. They are on a weather delay, and he is working with the Public Works Director, Travis Sperle. He cautioned everyone the park looks open, but it is not.

Councilor Newton requested clarification regarding what remained to be done. Freilinger responded there are a few amenities and the final poured layer which requires a full week above freezing and zero precipitation. The contractor is watching the weather and ready to bring in crews. The park is at the top of their list to be completed in the spring if the weather does not permit completing it before then.

## **XI. ADJOURNMENT**

A motion was made by Councilor Sutton to adjourn. Motion passed unanimously. (7-0-0). Meeting Adjourned at 8:37 p.m.

Respectfully submitted by:  
/s/Tammy Shaver – Assistant to the City Manager/Human Resources Coordinator



## CITY OF SILVERTON CITY COUNCIL WORK SESSION MEETING MINUTES

Council Chambers 421 S Water St and Zoom Web Conference Platform

November 20, 2023, 6:30 pm

### I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call

Mayor Freilinger called the meeting to order at 6:30 p.m. The City Council and staff were present both in person and through the virtual meeting platform Zoom. Mayor Freilinger explained the meeting was being held in a hybrid format, pursuant to City of Silverton Resolution 22-06, adopted March 7, 2022.

Present	Absent
X _____	Mayor Jason Freilinger
X _____	Council President Elvi Cuellar Sutton
X _____	Jess Miller
X _____	April Newton
X _____	Eric Hammond
X _____	Marie Traeger
X _____	Matt Gaitan

#### STAFF PRESENT:

City Manager Cory Misley, Community Development Director Jason Gottgetreu, Public Works Director Travis Sperle, Chief of Police Jim Anglemier, Assistant to City Manager/Human Resources Coordinator Tammy Shaver

### II. DISCUSSION

#### 2.1 Update on Sheltering Silverton Project Completion and Opening, Sarah White, Sheltering Silverton Executive Director

Ms. White let Council know the project came in on time and under budget. It is functionally complete with a few finishing touches being applied. White said they are addressing parking. On November 21, 2023, at 1:00 p.m., the ribbon cutting, and formal opening will be held at 832 McClaine St., Silverton, OR.

White thanked City staff, Travis Sperle, Mike Dahlberg, and Daryl Jones for being helpful and supportive.

Monday, November 13, 2023, their operations were transferred to the shelter on McClaine Street, and they have been at capacity, serving fourteen (14) people per night since the transfer. White said they have had to turn some people away until the pallet shelters (cabins) are ready to open, there are four (4) of them, and once open, they will be able to serve twenty (20) people per night.

White and her staff are working with Public Works to determine how best to share the space. They currently have four (4) parking spaces and there are ten (10) staff members serving fifteen (15) to twenty-five (25) people per day. Sheltering Silverton staff have been parking offsite to free up those parking spaces.

Councilor Sutton wanted to know how many people were being turned away. White said they turned away three (3) people today. Sutton asked for clarification if this was the average number daily. White said it has been more lately, which is normal because of the weather, they always see a “spike” in numbers when the weather turns. She went on to say, they have funding to put people in hotel rooms which involves a process of prioritization, families with children

and medically fragile adults, particularly seniors. They do have people in hotels in Salem to help manage the overflow. White emphasized they prioritize and serve people with a strong connection to the Silverton community.

Councilor Sutton asked how Council could help with parking. White said she was working with the owner of property adjacent to the driveway who has offered to let them gravel a grass lot and have ten (10) parking spaces.

Councilor Newton wanted to know the statistics regarding finding permanent housing for those they serve. White responded they are averaging about five (5) individuals per month returning to permanent housing. The process involves intense case management, which includes people getting market rate housing, placement in adult foster care, assisted living, housing vouchers, and other arrangements. The average for this year has been five (5) per month and over the past several years, White says they have helped over two hundred (200) people return to safe and stable housing.

Newton followed up by asking what the average time is someone uses their services. White said it varies, some are there for three (3) weeks and others only briefly. They have those who are using their services today who were using their service four (4) years ago because they have barriers to housing. Families with children return to housing much quicker and average about three months maximum.

Councilor Traeger asked if they were able to offer any other services with their case management such as drug and alcohol treatment or mental health aid. White said they work to get people connected to drug treatment programs, inpatient or outpatient. They work closely with Marion County Adult Behavioral Health, and they work with Bridgeway Community Connect and have them respond to the site as frequently as needed.

Traeger also asked about the Safe Parking Program. White reminded Council the program ended during the summer because of staffing.

Councilor Newton expressed concern about issues which may come up with Sheltering Silverton's facility being so close to Public Works and wanted to know if any help could be provided to facilitate coexistence. City Manager Cory Misley responded, the parking issue is on the City's radar, he wants to meet with them onsite to discuss strategies to mitigate the parking concerns. Misley stated we need to look at this through several lenses and a thorough discussion could be held during a meeting onsite.

Councilor Hammond asked what issues might come up which would require resolution in the future. He identified a lack of sidewalk connection and asked what else there might be. White said the biggest thing is asking the community for patience as they work on issues and processes.

White emphasized her request for patience and believes the City and Sheltering Silverton have similar goals.

## **2.2 Update on Civic Center Mural Concept – Silverton Mural Society**

Norm English and John Guy discussed the location for the mural. Their proposal, after collaborating with City Manager Cory Misley and Community Development Director Jason Gottgetreu, is to place the mural on the 1<sup>st</sup> Street side of the Civic Center which will make it highly visible to northbound traffic on 1<sup>st</sup> Street. English and Guy both agree the location in the new proposal works and the mural may be more visible at this location than the original proposed location on the west side of the building. Their only requirement was the mural be "highly visible."

Councilor Traeger asked if the pattern would be the same or similar. English confirmed it would be. Traeger then asked if the mural cost of seventeen thousand one hundred and seventy-nine dollars (\$17,179) covers everything. He confirmed it did.

Councilor Gaitan said he felt it would be in a highly visible and welcoming location and verified where it will be placed. It will be located between Festival Street and A Street on 1<sup>st</sup> Street. English affirmed. Gaitan then asked if the cost deviated from the previous estimate. They responded it was the same.

Mayor Freilinger said this was a great idea and he felt all parties agreed. Council, staff, and the Mural Society were in favor of the placement of the mural. City Manager Cory Misley will be checking on what is needed to move forward.

### **2.3 Presentation on Communications Team Survey - Councilor Gaitan and City Manager Cory Misley**

Councilor Gaitan began by providing some background information and referred to Council's goals, of which communication was one of the primary goals. Gaitan said he has been working with the Team since the first of the year and they began to explore various communication solutions. Gaitan talked about some of the technologies which were being explored, demos he and the team participated in, and how they may help increase two-way communication. He said he felt the technologies were up to staff to determine how to increase their efficiency.

Gaitan went on to say, he felt the Team was attempting to find solutions without enough data to inform them. It was then they decided to send out the survey. Gaitan encouraged Council to review the results if they hadn't already. He identified challenges with the perception of some events as the City's responsibility to communicate when they were events the Chamber of Commerce would be communicating.

City Manager Misley said staff could create a report or executive summary of the survey without editorializing it or forming conclusions. Misley discussed the original goal of the Communications team to enhance internal and external communication. He referenced a 2016 Communications Plan he recently had brought to his attention. Misley said it was important we use what we have for communication and make sure we assess how we are doing with what we have and how might we want to elevate that with targeted initiatives or platforms or whatever it may be. Misley wants to make sure we're educating and working with residents to ensure they're getting the benefits of what is currently in place.

Misley asked for time to allow the Team to digest the results and determine if the current resources were being used to their fullest.

### **III. Council Communications**

Councilor Newton attended the Chamber Lunch and Learn featuring City Manager Cory Misley. Newton wanted to express how well the City Manager did during his presentation. She felt his more informal approach, letting people ask questions, was well done and elicited information a more formal presentation may have missed. Newton also wanted to bring Council's attention to a concern about topics being brought up during meetings with no follow up or follow through. Newton wants Council to be thoughtful of that and circle back to things and try to find solutions, especially to the things which come up frequently.

Councilor Gaitan commented on Councilor Newton's thoughts expanding by saying he thinks it is part of the speed in which government works.

Councilor Traeger expressed how pleased she is to be a member of the Tourism Committee. Traeger advised Council of grants have been given to the following, the Gordon House for air conditioners, the Christmas Market at the Oregon Garden Resort, the Brewfest for Homer Davenport Days, the Stout and Owl Fest for the Fox Foundation, the Chamber First Friday, Paws in the Park, some more funds for the art association for the Art Festival, and Silverton in Bloom.

Mayor Freilinger said he had nothing new to bring up. He expressed some thoughts about items Newton and Gaitan brought up. He said former Councilor Sears used to keep a spreadsheet and would bring items up at Council meetings. The Mayor agrees government does not move fast enough but he believes things are moving more quickly in the City than previously. He said Council could move things along almost as fast as they would want by signing resolution after resolution, however, the work would not get completed. Mayor Freilinger said there are three things which significantly impact the speed things get accomplished, money, public input, and the volume staff can handle at one time. He has spoken with City Manager Misley to discuss prioritization and getting things done not just as timely as possible but done well. Council goal setting is coming up in January and he believes a targeted, focused approach on goals including where Council can determine what is needed to move forward quickly.

### **ADJOURNMENT**

A motion was made by Councilor Sutton to Adjourn. Meeting Adjourned at 7:28 pm.

Respectfully submitted by:

/s/Tammy Shaver – Assistant to the City Manager/Human Resources Coordinator



## CITY OF SILVERTON PROCLAMATION

### KIWANIS CLUB OF SILVERTON DAY DECEMBER 5, 2023

WHEREAS, the Kiwanis Club of Silverton is celebrating their 60th year of Active Community Service to the residents of the Silverton community and more importantly to the youth; and

WHEREAS, in addition to improving the lives of children in Silverton and communities around the world, Kiwanis Club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and community service; and

WHEREAS, the first Kiwanis Club started its service in Detroit, Michigan, USA in 1915 and since December 5, 1963, the date their Club Charter was first issued, the Kiwanis Club of Silverton has exemplified the motto of Kiwanis International by continually serving the children in our community; and

WHEREAS, the club has undertaken significant projects for the betterment of our youth, especially young children, including continuous sponsorship of Every Child A Swimmer, Kiwanis Terrific Kids, Silverton Pet Parade, Letters to Santa, Silverton High School Key Club, Academic Scholarships, Doernbecher Hospital Kiwanis Children's Cancer Program, and Kiwanis International campaign to Eliminate maternal/neonatal tetanus, to name a few; and,

WHEREAS, the Silverton City Council extends their sincere appreciation to the Kiwanis Club of Silverton for their 60 years of dedicated service for their many contributions to the Silverton community.

NOW, THEREFORE, the Silverton City Council hereby proclaims December 5, 2023, as:

#### "KIWANIS CLUB OF SILVERTON DAY"

and asks all citizens of the City of Silverton and surrounding areas to congratulate the members of the Kiwanis Club of Silverton for their participation in such an honorable organization.

IN WITNESS WHEREOF, we hereunto set our hands and cause the Seal of the City of Silverton to be affixed this 4<sup>th</sup> day of December 2023.

---

Mayor Jason Freilinger

**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	<b>Agenda Item No.:</b>	<b>Topic:</b>
	6.1	Ordinance No. 23-07 - Denying a Zone Change from R-1 to R-5 at 602 Eureka Avenue.
	<b>Agenda Type:</b>	Public Hearing
	<b>Meeting Date:</b>	
	December 4, 2023	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
Jason Gottgetreu	Cory Misley	Cory Misley

Recommendation:

The Planning Commission recommends the City Council Adopt Ordinance No. 23-07, Denying a Zone Change from R-1 to R-5 at 602 Eureka Avenue.

Background:

The applicant submitted an application on October 10, 2023 requesting a Zone Change for 602 Eureka Avenue to change the zoning of the site from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area and is currently vacant. This would allow the site to develop between 5 and 10 unit per acre for an overall density range of 25 to 51 dwelling units. The existing development capacity of the site under the R-1 zoning is 42 dwelling units.

Budget Impact	Fiscal Year	Funding Source
None	2023-2024	N/A

Attachments:

1. ZC-23-01 Staff Report
2. November 14, 2023 Draft Planning Commission Minutes
3. PC Resolution No. 23-07
4. City Council Ordinance No. 23-07

**CITY OF SILVERTON  
PLANNING COMMISSION MINUTES**

**7:00 P.M.**

November 14, 2023

The Planning Commission of the City of Silverton, met in person at the Silverton High School Library, located at 1456 Pine Street with a Teleconference option through the virtual meeting platform, Zoom on November 14, 2023 at 7:02 p.m. with Madam Vice-Chair Kaser presiding.

**b. I. PLANNING COMMISSION ROLL CALL:**

Present	Absent	
	X	Chairman Clay Flowers
X		Madam Vice-Chair Cara Kaser
	X	David Castle
X		Peter Matzka
X		Rich Piaskowski
X		Morry Jones
X		Randell Walling

**STAFF PRESENT:**

Community Development Director, Jason Gottgetreu, Associate Planner Shauna Godlevsky,  
Planning and Permit Assistant, Cleone Cantu.

## II. MINUTES: None.

### **III. BUSINESS FROM THE FLOOR:** None.

#### **IV. AGENDA:**

23 **4.1 File Number AN-23-01. Annexation application to annex 827 Railway Avenue NE into the City**  
24 **Limits and zone the property GC, General Commercial. The total area of the annexation request is**  
25 **1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to**  
26 **the City sewer and water system. The application will be reviewed per Silverton Development Code**  
27 **sections 4.10.140.**

30   **4.2 File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue**  
31   **from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area**  
32   **and is currently vacant. The application will be reviewed per Silverton Development Code sections**  
33   **4.7.300.**

37 **4.1 File Number AN-23-01. Annexation application to annex 827 Railway Avenue NE into the City**  
38 **Limits and zone the property GC, General Commercial. The total area of the annexation request is**  
39 **1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to**

1       **the City sewer and water system. The application will be reviewed per Silverton Development Code**  
2       **sections 4.10.140.**

3  
4       Madam Vice-Chair Kaser reviewed the Public Hearing procedures for a formal Quasi-judicial  
5       meeting and opened the public hearing at 7:04pm.

6  
7       No Commissioners abstained, claimed conflict of interest, or declared ex parte contact for the  
8       application before them. No member of the audience wished to challenge the jurisdiction of the  
9       Planning Commission to hear the matter at hand. No member of the audience wished to  
10      challenge the Planning Commission for bias, or conflict of interest.

11  
12      Director Gottgetreu presented the annexation application to annex 827 Railway Avenue NE into the  
13      City Limits and zone the property GC, General Commercial. The property is near an acre and a half and  
14      the annexation would allow the existing building and potential future buildings to connect to City water  
15      and sewer. The subject property is currently surrounded by the City limits on all sides classifying the  
16      location in the unannexed enclave. The site is currently developed for a manufacturing and production  
17      use, and a masonry business is on site. Director Gottgetreu referred to the City's Comprehensive Plan and  
18      provided the current zoning of the site and adjacent sites in the area; with this the annexation was a  
19      logical allowance. The public facilities, transportation network, and utilities were then provided. Director  
20      Gottgetreu outlined the historical use of the property which created consistency if the property were to be  
21      annexed. The urbanization of the subject property was iterated along with potential economic impacts.  
22      The applicant had submitted a conceptual site plan of the property providing potential expansion, a visual  
23      example was provided.

24  
25      **Director Gottgetreu opened the floor for questions.**

26  
27      Commissioner Piaskowski inquired about utility capacity versus current utilization.

28  
29      Director Gottgetreu provided the process for the current sewer and water lines on the property.

30  
31      Commissioner Matzka inquired about the water quantity use, will there be a higher demand.

32  
33      Director Gottgetreu stated generally industrial manufacturing uses are not a high demand on water  
34      systems.

35  
36      Commissioner Piaskowski and Director Gottgetreu discussed future application for the site and design  
37      review requirements.

38  
39      Commissioner Jones and Director Gottgetreu discussed the zoning for the property.

40  
41      Madam Vice Chair Kaser provided the parameters for public testimony.

42  
43      **Applicant(s) Testimony:**

44  
45      **Steve Kay, applicant representative of Cascadia Planning and Development Services, PO**  
46      **Box 1920 Silverton, OR 97381.**

47      The applicant stated the property owner currently operates Kaufman Masonry within an existing  
48      warehouse structure near nine thousand square feet. The business is a multi-generational  
49      business and has been a piece of the Silverton community since 1956. Kaufman Masonry

1 specializes in fireplace, concrete block, brick, and stone construction. The company has  
2 completed notable public projects around Silverton, including the Veteran Memorial at Town  
3 Square Park, and the mosaic fountain in Coolidge McClaine Park. A portion of the warehouse is  
4 leased to Tiny Mountain Homes, which construct homes in entirety. The subject property is a  
5 small island within Marion County, however parcels to the East, West, and South are all  
6 currently within City limits. Use of the property is currently constrained by the reliance on a well  
7 on the site, and a septic holding tank which needs to be pumped every couple weeks. The  
8 proposed annexation will allow the existing warehouse to connect to City water, and sanitary  
9 sewer services within Railway Avenue. The submitted concept plan illustrated the property has  
10 potential to develop a secondary warehouse would provide additional manufacturing and  
11 production companies in Silverton. Future development would then be subject to City standards  
12 with upgrades to the existing parking lot and landscaping. The applicants have reviewed the staff  
13 report and do not have any concerns; they feel it is a cohesive representation of how the  
14 application meets criteria for approval.

15  
16 **Steve Kay opened the floor for questions.** There were none.

17  
18 **PROPONENT TESTIMONY:** There were no comments.

19  
20 **OPPONENT TESTIMONY:** There were no comments.

21  
22 **NEUTRAL TESTIMONY:** There were no comments.

23  
24 **STAFF FOLLOW UP:** There were no comments.

25  
26 **REBUTTAL:** There were no comments.

27  
28 Commissioner Matzka moved to close the Public Hearing, Commissioner Walling seconded the  
29 motion and the hearing was closed by consensus at 7:19pm.

30  
31 **DISCUSSION:**

32 Commissioner Piaskowski stated they do not have any concerns regarding the application, it  
33 meets the criteria for annexation. Their questions had been answered regarding utility capacity  
34 and can be revisited during design review. Commissioner Piaskowski would vote to approve the  
35 application.

36  
37 Commissioner Matzka concurred with Commissioner Piaskowski and stated they do not see any  
38 issues with the application. It made logical sense.

39  
40 Commissioner Jones was in favor of the application.

41  
42 Madam Vice Chair Kaser stated the application made logical sense as the property was an island  
43 of County jurisdiction in the middle of the City.

44  
45 Commissioner Walling motioned to recommend approval of the application to the City Council.  
46 Commissioner Matzka seconded the motion, and it passed unanimously.

1  
2 **4.2 File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue**  
3 **from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area**  
4 **and is currently vacant. The application will be reviewed per Silverton Development Code sections**  
5 **4.7.300.**

6  
7 No members of the Planning Commission wished to abstain or declare conflict of interest.

8  
9 Commissioner Jones declared ex parte contact. They reside near the property and drive by it  
10 every day. They received a phone call from a citizen regarding the application and  
11 Commissioner Jones recommended they attend the meeting. Commissioner Jones stated they are  
12 willing and able to make a decision solely based on evidence.

13  
14 No member of the audience wished to challenge the jurisdiction of the Planning Commission to  
15 hear the matter before them. No member of the audience wished to challenge any individual  
16 member of the Planning Commission for bias or conflict of interest.

17  
18 Madam Vice-Chair Kaser reviewed the guidelines for public testimony.

19  
20 Director Gottgetreu reviewed the zone change application for 602 Eureka Avenue. The  
21 application requested a zone change from R-1, Single Family Residential to R-5, Low Density  
22 Residential. The site is located on the South side of Eureka Avenue and South of Keene avenue,  
23 the property is 5.15 acres and currently vacant. The site underwent a previous land use decision  
24 by the Planning Commission in 2021 and was approved by the City Council for a 21-lot  
25 subdivision under the R-1 zoning district designated single family on the City's Comprehensive  
26 Plan. The R-5 zone is listed as a compatible zoning district with the single-family residential plan  
27 designation. Density requirements for R-5 zoning are development between five and ten units per  
28 acre; comparatively the R-1 zone requires properties to develop at densities between two and six  
29 units per acre. With this, theoretically, under R-1 zoning, density for the property has potential to  
30 develop between ten and thirty-one units. Per State law House Bill 2001 the property may be  
31 developed to the approved 21-lot subdivision with duplexes resulting in 42 dwellings. Under the  
32 R-5 zoning, the property would have the potential to develop between 26 and 52 dwellings on  
33 the site.

34  
35 Director Gottgetreu addressed the Comprehensive Plan from an alternate point, which indicates  
36 multifamily development should be encouraged, especially, but not limited to, areas close to the  
37 central business district, or the walking districts to neighborhood commercial areas, or areas of  
38 mixed-use designation. Additionally multifamily development should be scattered around the  
39 community and not concentrated in any one area, preferably scattered within existing  
40 neighborhoods.

41  
42 Director Gottgetreu referred to the City's Housing Needs Analysis which was adopted as a  
43 support document to the Comprehensive Plan in 2020. The document identified a deficit of  
44 housing for low-income households indicating a need for a wider range of housing types for  
45 renters and homeowners. The Housing Needs Analysis additionally indicated a deficit of land for  
46 three hundred and four multifamily style dwelling units; not necessarily affordable units, but  
47 multifamily style units; over the twenty-year planning period. Since the housing needs analysis

1 in 2020, ninety-seven multifamily units have been approved for development.  
2  
3 Director Gottgetreu presented the maximum traffic impact potential of the development. The  
4 data was gathered from the Institute of Transportation Engineer Trip Generation Manual and  
5 provided PM peak trips with differential between single family occupancy and multifamily  
6 occupancy. R-1 single family occupancy for the site would add 21 PMPHT power trips to the  
7 transportation system, duplexes would add an estimated 42 PMPHT trips to the transportation  
8 system. If the site were developed under the 51-unit multifamily development proposal (with an  
9 assumption of apartments) 31 PMPHT trips would be added to the transportation network; there  
10 is a possibility for flexibility with this assumed amount as R-5 zoning allows for a variety of  
11 uses.

12  
13 Director Gottgetreu then displayed a visual example of the previously approved subdivision site  
14 plan and informed the Planning Commission of the available utilities on the site. The differential  
15 between R-1 and R-5 zoning was then provided with development housing options for each  
16 category. Altering the current zoning for the site to R-5 would allow multiple styles of  
17 development. Approval would depend on the development application displaying code  
18 compliance and require additional public process and review. Director Gottgetreu then  
19 summarized the potential density options for the site with comparison of R-1 and R-5 zoning.  
20 They then addressed the drainage for the site as public comment had initiated concern.  
21 Topography maps were displayed to the Planning Commission to illustrate the specifications of  
22 the area along with the development standards for stormwater detention and retention and  
23 potential flood events. Director Gottgetreu then elucidated the applicants previous plan for  
24 stormwater. Public comment had additionally iterated concern for wetlands on the property to  
25 which Director Gottgetreu confirmed the applicant had proposed to protect the wetlands.

26  
27 **Director Gottgetreu opened the floor for questions.**

28  
29 Commissioner Walling requested clarification on the drainage for the property.

30  
31 Director Gottgetreu and Commissioner Walling discussed the proposed plan for stormwater.

32  
33 Commissioner Jones and Director Gottgetreu discussed the water on the site and the possible  
34 water usage if the application were approved and 51-units were developed. Updating the water  
35 treatment plan was then discussed, there is not a current timeline. Commissioner Jones inquired  
36 about density development for the site and if the Master Plan had indicated a need for housing  
37 development in the area. Director Gottgetreu referred to the Housing Needs Analysis and  
38 provided elucidation. Commissioner Jones and Director Gottgetreu then discussed the landscape  
39 conservation standards for the site and the Oregon Garden access easement and water line use.  
40 Pedestrian connectivity for the site was then discussed.

41  
42 Commissioner Matzka asked for clarification on the current subdivision approval and the  
43 potential buildable lot/units if the zoning change were allowed.

44  
45 Director Gottgetreu outlined the approved lot potential and the possible development under R-5  
46 zoning.

1 Commissioner Matzka and Director Gottgetreu discussed design criteria, density, and structure  
2 standards, for R-1 and R-5 zoning.

3  
4 Commissioner Piaskowski referenced the wetlands on the property in correlation with drainage  
5 volumes and requested clarification on the proposed drainage location for the site.

6  
7 Director Gottgetreu and Commissioner Piaskowski discussed guidelines and process for  
8 development near wetlands. Drainage capacity was then spoken about in relation to R-1 and R-5  
9 zoning. Commissioner Piaskowski mentioned a four hundred- and fifty-year-old Oak tree in the  
10 wetland area. Director Gottgetreu conveyed general sustainability for Oak trees and direction of  
11 drainage on the site.

12  
13 The Planning Commission collectively discussed the modification of subsurface water flow on  
14 the site.

15  
16 Madam Vice Chair Kaser and Director Gottgetreu discussed the applicant's capability of  
17 beginning the development process for the current approved application. Discussion was then  
18 had on the zoning approval retainment with the land and the extension process for the application  
19 and the applicants current request for extension.

20  
21 Madam Vice Chair Kaser stated per the code the applicant is not obligated to present a  
22 development plan for rezoning consideration.

23  
24 Director Gottgetreu elucidated the review criteria for the application.

25  
26 Commissioner Piaskowski asked if there were water pressure issues in the adjacent residential  
27 areas; additionally, they inquired about the available utility capacities.

28  
29 Commissioner Walling and Director Gottgetreu discussed the current subdivision approval  
30 regarding drainage and the wetlands with the potential of revisiting the topics if a new  
31 development plan were submitted.

32  
33 Commissioner Piaskowski inquired about the design review process and minimum development  
34 densities.

35  
36 Commissioner Jones and Director Gottgetreu discussed current developable lots within the City  
37 of Silverton and the housing deficit.

38  
39 Madam Vice Chair Kaser asked for clarification on conditioning the application for approval and  
40 the process for encumbrance on the previous approval.

41  
42 Commissioner Walling and Madam Vice Chair Kaser discussed the process for disapproval of  
43 the application.

44  
45 **APPLICANT(S) TESTIMONY:**

46

1   **Britney Randall with Brand Land Use, representing the developer and property owner,**  
2   **1720 Liberty Street SE, Salem Oregon 97302**

3   Britney stated they have reviewed the staff report and concur with the findings. They noted the  
4   applicant prepared and provided a detailed narrative addressing the criteria to uphold the  
5   required burden of proof for the application; specifically highlighting pages nine through twelve.  
6   Britney referenced a subsection of page ninety-three: "*the requested designation for the site has*  
7   *been evaluated against relevant comprehensive plan policies and on balance could be found to*  
8   *be more supportive of the comprehensive plan as a whole than the current designation*" and  
9   stated the staff report did an excellent job of going through and itemizing the housing needs  
10   analysis and how the [proposed zone change] could fill a deficit in the City for alternative  
11   housing types. Under the current subdivision approval generally single-family homes are  
12   developed, after further review the potential for R-5 zoning was considered to fill the void. The  
13   applicant(s) had a pre-application conference with City staff where a presentation was given for  
14   the high [density] designation; with this, the applicants took consideration for feedback from  
15   staff and community input from the previous application. Britney stated the applicant(s)  
16   reevaluated their development plan after review of the Housing Needs Analysis and the City's  
17   Comprehensive Plan. Future development other than the approved subdivision would be before  
18   the Planning Commission again and be subject to public process and development standards.  
19   Britney addressed the public comment that stated the entire property was wetlands, the applicant  
20   wished to clarify there is a small area on the site designated as wetlands and it would remain and  
21   be protected, any change from the current subdivision approval would be subject to the rules and  
22   regulations of the Department of State Lands. Britney then went over the minimum density for  
23   the site. They addressed concern over utility capacities and stated the development would be  
24   connected to City services. The applicant had minimal focus on presenting a development design  
25   as there had not been a decision made; future development design will be to City standards.

26  
27   **The floor was opened for questions.**

28  
29   Commissioner Matzka and Britney clarified the minimum density for the site currently is ten  
30   units.

31  
32   Commissioner Piaskowski asked if the applicant is potentially moving forward with the current  
33   approved lot layout.

34  
35   Britney stated the 21-lot subdivision would meet the criteria for R-5 zoning, should the  
36   application be approved it affords flexibility for a new plan to be presented to the City.

37  
38   Commissioner Piaskowski and Britney discussed the flexibility options if the zone were  
39   changed. There was not a solid design to present.

40  
41   Commissioner Jones referenced the minutes from the previous application meeting and stated the  
42   architect had relayed there had been a typo for duplex development, and the proposal intention  
43   was for single-family homes. With this, Commissioner Jones asked why the applicant changed  
44   their mind to switch to R-5 zoning.

45  
46   Britney stated they were not included in the original approval, they were unaware of which

1 architect made the statement, and iterated the R-5 zone change is to allow flexibility and  
2 different housing types. They want to fill the gap that is seen in Silverton's Housing Needs  
3 Analysis and reiterated over and over in the Comprehensive Plan. The applicant may still move  
4 forward with the development of 21 single-family dwellings as currently approved; R-5 zoning  
5 affords more flexibility.

6  
7 Commissioner Jones referred to the minutes from the previous meeting and iterated comment of  
8 economics determining the number of lots. They stated an assumption for economics being the  
9 driving force behind the zone change request.

10  
11 Britney stated it is the flexibility of being able to develop the property appropriately with what  
12 the housing need shows Silverton need.

13  
14 Commissioner Matzka asked for clarification on the wording of *gap in housing* in Silverton; how  
15 will the zone change fill the gap.

16  
17 Britney stated the gap is shown in the staff report and is shown in the Housing Needs Analysis.  
18 There is a surplus of single-family homes and a lack of differentiated housing types like  
19 duplexes, tri-plex's, townhomes, cottages, multi-family apartments. The zone change would  
20 continue to allow the 21 single-family dwellings but would afford the ability to fill the gaps of  
21 the missing housing types in Silverton.

22  
23 Commissioner Matzka and Britney discussed the potential of changing the lot design for the  
24 property.

25  
26 Commissioner Piaskowski asked if there was a timeline to develop conceptual design.

27  
28 Britney stated there was not a current timeline for conceptual design, there is a deadline for the  
29 subdivision of 2025.

30  
31 Commissioner Piaskowski stated general process for zone change applications, typically the  
32 Planning Commission is provided with design to assist in the decision-making process for the  
33 application to ensure it meets the required criteria.

34  
35 Britney stated if the design changed from the current zone approval, it would be presented once  
36 again to meet the criteria for approval.

37  
38 Madam Vice-Chair Kaser inquired about the driver for zone change.

39  
40 Britney stated the ability to diversify the housing type [in Silverton] and have more flexibility.

41  
42 Madam Vice Chair Kaser asked for description of the community outreach the applicant had  
43 completed to assist in their request for zone change.

44  
45 Britney stated there had not been community outreach. Based on information they gathered from  
46 City staff at the pre-application conference their proposal was revised to R-5 zoning which falls

1 under the current Comprehensive Plan designation and meets statewide planning goals.  
2

3 **PUBLIC TESTIMONY:**

4  
5 **Proponent Testimony:** There was none.  
6

7 **Opponent Testimony:**

8 **Dean and Lauren Christensen, owners of 110 Jade Hills Silverton, Oregon 97381 & 412**  
9 **Eureka Silverton, Oregon 97381**

10 The two properties are downstream from the property in question. Dean stated they were not  
11 necessarily speaking against the development. They had concerns and questions related to the  
12 drainage. Dean relayed the previous plan addressed stormwater management by hitting the  
13 southerly drainage way as it moves past the Oregon Garden and their properties, and not the  
14 northerly drainage way. If the developer were to move forward and submit additional revised  
15 plans and receive approval, they would continue to meet the criteria for stormwater management  
16 from the City of Silverton. Additionally meet the criteria through drainage easements or  
17 whatever needn't be sure charging the southerly drainage way with their stormwater and not  
18 impacting their properties below with additional stormwater runoff. Lastly, Dean stated as  
19 property owners downstream it is important, they do not receive negative impact from  
20 stormwater in annual or an one-hundred-year event.

21  
22 Commissioner Matzka asked about water flow near their property, has there been changes within  
23 the last ten years on their property or near the wetland area.

24  
25 Dean stated they had not noticed changes within the last ten years, there were significant changes  
26 with the development of the Oregon Garden in the wetland area.

27  
28 **Jenny Siewell, 847 Woodland Drive, Silverton Oregon 97381**

29 Jenny relayed concern for the families who live on Eureka and Edison road; It was their  
30 understanding that the water that feeds the properties is gravity fed. There have been water  
31 pressure issues, and they have run out of water in the past. With the addition of 21 to 51 homes  
32 Jenny stated they were concerned about the people's water capability with the gravity being fed  
33 on Edison.

34  
35 Director Gottgetreu clarified the proposed development would be on a separate system and  
36 provided information on the utilities.

37  
38 Jenny reiterated the potential number of homes on the property and relayed concern for increased  
39 traffic in the area directly related to a nearby church and school. Jenny has witnessed children  
40 and pedestrians' traffic in general in the area and inquired if speed zones would be altered.

41 Director Gottgetreu inferred the developer would be required to install sidewalks on the frontage  
42 of the property near eleven-hundred feet, but they do not have to connect to existing systems on  
43 Eureka. In terms of traffic and pedestrian crossings, these elements are addressed as development  
44 is constructed.

45  
46 Lastly, Jenny asked for clarification on the process if the R-5 zoning were approved and what the

1 design criteria would be with public process.

2  
3 Madam Vice Chair Kaser clarified the processes and criteria for zone changes, and stated the  
4 applicant would need to return to the Planning Commission if they proposed design other than  
5 the approved 21-lot subdivision.

6  
7 **Stephen Purdy, 884 Woodland Drive, Silverton Oregon 97381**

8 Stephen relayed concern for the flexibility the applicant referred to in terms of site development.  
9 They asked if the zone change would allow for manufactured homes.

10 Director Gottgetreu stated there is a State law that cites any lot that allows a single-family home  
11 must also allow a manufactured home.

12  
13 Stephen iterated confusion and frustration toward the applicant for not providing a direct answer  
14 on future design yet requesting the zone change. The flexibility comments did not provide  
15 clarification.

16  
17 **Neutral Testimony:**

18 **Mike Bliss, 879 Woodland Drive, Silverton Oregon 97381**

19 Mike inquired about the process for denial of the application and what the criteria are.

20  
21 Madam Vice-Chair Kaser referenced page 89 of the staff report and stated the decision is a  
22 Quasi-Judicial zoning amendment. They then summarized the eight criterium the Planning  
23 Commission must utilize for consideration of the application to remain in compliance with the  
24 statewide planning goal and relevance to the Comprehensive Plan of the City.

25 Director Gottgetreu and Mike discussed density potential and the applications compatibility with  
26 the City's Comprehensive Plan and Housing Needs Analysis.

27 Madam Vice-Chair Kaser provided elucidation on the process for consideration of the  
28 application.

29  
30 **Rebecca Murphy, 614 Keene Avenue, Silverton Oregon 97381**

31 Rebecca stated they are a lifetime Silverton resident and they have four young children. Their  
32 main concern is traffic and safety, with pertinence to the approved subdivision and the  
33 application. Rebecca asked the applicant to keep children in mind and consider provisions for  
34 sidewalks and a turn lane. They asked for consideration on moving the forty-five mile an hour  
35 sign located in the area, currently the area is not safe.

36 Director Gottgetreu provided information on how community members can request a speed limit  
37 change.

38 **Written Testimony:** See attached.

39  
40 **Rebuttal:**

41 Britney stated regarding the unknown for development, it will be submitted in the future. To  
42 determine feasibility is very expensive. To state putting the cart before the horse to approve the

1 zone change, prior to seeing what would be proposed, in Britney's opinion, was the opposite.  
2 They relayed coming to the [Planning Commission] with the 21-lot subdivision previously was  
3 putting the cart before the horse before exploring all the opportunities that could be available on  
4 the site. Britney iterated the applicant was not putting effort into being untransparent, they are  
5 simply unaware of what the recommendation will be. If the application were to be approved then  
6 the next step would be to develop feasibility and determine what sort of development makes  
7 sense; then it would go through the same process of public hearings etc. depending on what is  
8 proposed. Britney wanted to reiterate that any future development must happen for the frontage  
9 of the site to be improved, meaning sidewalks etc. if the 21-lot subdivision continues, those  
10 improvements would be made under approval. The applicants recognize and understand the  
11 concerns surrounding neighbors and citizens. They have taken it into consideration and will  
12 continue to if a different proposal is brought forward.

13  
14 Commissioner Piaskowski stated concern for being unaware of the future development plans.  
15 They asked if the Planning Commission extended the review period, was there potential for the  
16 applicant to return with conceptual designs.

17  
18 Britney said providing a conceptual design is not a part of the criteria, therefore they did not  
19 think they could do that. It would be an additional investment, especially if the applicant was  
20 unaware of the direction the [Planning Commissions decision was leaning] for any future  
21 proposal to be subject for review.

22  
23 Commissioner Piaskowski agreed in the accuracy of Britney's statement, and added conceptual  
24 designs would assist in the decision-making process to ensure congruency with the  
25 Comprehensive Plan for the City.

26  
27 Britney stated they believed they submitted supporting evidence and the staff report was clearly  
28 directed at the criteria; they thought the application displayed satisfactory criteria and upheld the  
29 burden of proof.

30  
31 Commissioner Matzka iterated in the initial approval of the 21-lot site, there were discussions  
32 about constructing a sidewalk across Eureka avenue. There was not a determination on whether  
33 it was possible due to unconstructed sidewalks in the area. Commissioner Matzka asked if there  
34 was a required crosswalk for the 21-unit approved development for pedestrians.

35  
36 Commissioner Jones recalled discussion on safe routes to school with an island community on a  
37 busy forty-five mile an hour road.

38  
39 Commissioner Matzka iterated the applicant is asking for freedom to develop without confirming  
40 the pedestrian safety for the current 21-lot subdivision approval.

41  
42 Director Gottgetreu stated previously John Rasmussen an engineer with Marion County  
43 commented on the crosswalk initiation, Eureka avenue is Marion County jurisdiction.

44  
45 Britney added there are proportionality laws, should a greater density development be proposed,  
46 the proportionality improvements could go up, therefore there could potentially be additional

1 requirements.  
2  
3 Commissioner Matzka added they were stating there was no confirmation for successful  
4 pedestrian crossing for the current approved development at its density.  
5

6 Commissioner Walling asked for clarification on the potential approval of the R-5 rezoning, the  
7 applicant had stated they were unaware if they would continue to move forward with the 21-lot  
8 subdivision or develop an alternative. If the R-5 were approved, the minimum density would be  
9 twenty-five units, therefore Commissioner Walling added the 21-lot subdivision would not be  
10 developed.  
11

12 Britney disagreed.  
13

14 There was collective discussion on the potential development of the site under R-1 and R-5  
15 zoning. Additionally, discussion was had on if the R-5 zoning were approved and if it is not  
16 congruent with the approved site plan, what the next steps would be.  
17

18 Commissioner Walling iterated, the applicant is asking for an opportunity to develop either R-1  
19 or R-5 zoning because the [Commission] cannot encumber a previously granted approval [the  
20 21-lot subdivision]. Commissioner Walling asked if the applicant would be agreeable with  
21 maintaining the R-1 zoning and returning with a plan displaying the need for R-5 density in the  
22 community.  
23

24 The Commission considered continuing the hearing to receive additional information.  
25

26 Director Gottgetreu provided clarification on code allowance for the development situation.  
27

28 Commissioner Matzka moved to close the public hearing, Commissioner Walling seconded the  
29 motion and it passed unanimously.  
30

31 **The Public Hearing was closed at 9:20pm. The Planning Commission recessed until  
32 9:33pm.**  
33

#### 34 **DISCUSSION:**

35 The Planning Commission considered the unique position they were in with the approved  
36 subdivision and requested R-5 zoning. There was collective discussion on the previous  
37 application meeting and the process that led to approval from the City Council.  
38

39 Madam Vice-Chair Kaser read the eight criterion for the application consideration.  
40

41 Concern was relayed for lack of information and insight into the applicants motive for rezoning  
42 and their plan for development. Additional information was preferred to ensure the rezoning for  
43 R-5 density aligned with the City's Comprehensive Plan and met the criterium. The Planning  
44 Commission reviewed page ninety-two of the staff report which did find the R-5 zoning to be  
45 compatible with the Comprehensive Plan designation. Pedestrian safety and connectivity to  
46 schools was considered with a higher density for the property.

1 Commissioner Piaskowski asked Director Gottgetreu for clarification on the Comprehensive  
2 Plan identifying the area as single-family, within the staff report criterion two, single family  
3 would include R-1, R-5 and others. Commissioner Piaskowski requested confirmation if R-5 was  
4 included.

5  
6 Director Gottgetreu stated R-1 and R-5 are compatible zoning districts for the property within the  
7 Comprehensive Plan.

8  
9 The Planning Commission considered negative impacts if the application were approved. They  
10 referred to the eight criterion and found inconsistencies. Under House Bill 2001 the applicant can  
11 develop 42-units on the property. There was discussion on the applicant satisfying the burden of  
12 proof to increase the density from what had been previously approved.

13  
14 Madam Vice-Chair Kaser stated the Planning Commission is restricted on their process for  
15 consideration of the application. They believed the application met the criteria. Negative impacts  
16 can be subjective, the applicant has shown they meet the requirements needed; Madam Vice-  
17 Chair Kaser stated they could not find constraints that were within what was allowed for  
18 consideration.

19  
20 Commissioner Walling motioned to recommend the City Council approval of the proposed zone  
21 change as it meets the criteria, Madam Vice-Chair Kaser seconded the motion.

22  
23 Commissioner Piaskowski reiterated for Commissioner Jones the following: The Housing Needs  
24 Analysis summarized in the report identifies that there is a deficit. There is a benefit of making  
25 the zone change, however as reported there are ninety-seven lots approved for multi-family, so  
26 the City has several years to meet the housing need; therefore, Commissioner Piaskowski stated  
27 they do not believe it is critical for the property to be designated as R-5 for purposes of meeting  
28 the Housing Needs Analysis. An additional inconsistency lay with the Comprehensive Plan,  
29 number two, four, and five do not align in their opinion.

30  
31 Commissioner Matzka agreed with Commissioner Piaskowski and stated the application did not  
32 align with having additional housing in an island community targeting needed housing that will  
33 have school aged children in the household. If the location had connectivity, it would be feasible,  
34 but [if approved] the creation of an island community with higher density outside of the walking  
35 ability into the infrastructure of our community is not agreeable. With this, Commissioner  
36 Matzka stated, the [application] does not meet the comprehensive goals, plans of the school  
37 district, the City, or the transportation network.

38  
39 Madam Vice-Chair Kaser stated they do not view the property as an island, the site has an  
40 approved plan currently. Frontage and sidewalks will be developed, unfortunately with County  
41 roads some infrastructure is not the City's jurisdiction. The property is near a neighborhood, it is  
42 not segregated. The differential between R-1 to R-5 zoning is the shortest route to increasing  
43 housing, the Planning Commission and the City Council will be reviewing future site-plans for  
44 code compliance, Madam Vice-Chair Kaser believed the application met criteria looking strictly  
45 at what the Planning Commission was legally allowed to consider.

46

1 The Planning Commission considered the adjacent properties and future frontage requirements.  
2 Lack of information from the applicant was reiterated.

3  
4 Commissioner Matzka relayed additional concern for approving the application.  
5

6 The motion did not pass, 1:4  
7

8 Commissioner Piaskowski motioned to recommend to the City Council the denial of the  
9 proposed zone change as it does not meet the review criteria, Commissioner Walling seconded  
10 the motion and it passed, 4:1.

11  
12 **IV. REPORTS AND COMMUNICATIONS:**

13 Director Gottgereu informed the Planning Commission of upcoming meetings.  
14

15 Commissioner Matzka requested new public notice signs.  
16

17 **V. ADJOURNMENT:**

18 The meeting was adjourned at **10:22pm**

19 /s/ Cleone Cantu,

20 Planning and Permit Assistant.

**CITY OF SILVERTON  
PLANNING COMMISSION**

**RESOLUTION NO. PC-23-07**

**A RESOLUTION RECOMMENDING DENIAL OF A ZONE CHANGE TO ZONE 602 EUREKA AVENUE R-5, LOW DENSITY RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 071W03A TAX LOT 0600.**

**WHEREAS**, a Zone Change application was made by Charles Weathers (Orreo LLC) PO Box 2717 Salem OR 97308; and

**WHEREAS**, the Planning Commission convened the Public Hearing on November 14, 2023, after appropriate public notice had been provided. Planning Commissioners made appropriate disclosures regarding ex parte contacts, site visits, bias or other conflicts of interest. The Planning Commission heard the staff report, the applicant's presentation and considered evidence in the record. The Planning Commission also received testimony in support, in opposition, and rebuttal to testimony. The Planning Commission deliberated and voted to recommend the City Council deny the application; and

**WHEREAS**, the Planning Commission of the City of Silverton finds, based on the Findings of Fact, evidence, and testimony presented to them, that the zone change application is not in compliance with the applicable review criteria:

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SILVERTON, AS FOLLOWS:**

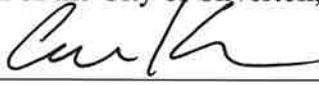
Section 1: That based on evidence in the record and the Findings of Fact, the Planning Commission recommends the City Council hold a public hearing to deny the proposed application (ZC-23-01).

Section 2: That the Planning Commission found that the application did not meet criteria 2, 4, 5, and 6. That the area where the zone change is proposed is predominantly larger lots with lower than typical urban densities and a higher density development would not be more supportive, nor would it be consistent with the map pattern due to the larger than expected difference in density which would constitute an unacceptable negative impact. That the public need identified by the 2020 Housing Needs Analysis is an additional 304 units over the next 20 years, or 15 per year, where 97 multifamily units have been approved in the 3 years since the HNA adoption, thereby it is not critical that this property be zoned to R-5 to potentially meet the need. That the area does not currently have adequate pedestrian transportation networks within the area due to a lack of a sidewalk connection from the site to the existing sidewalk network 730 feet away on the eastern side of Eureka Avenue.

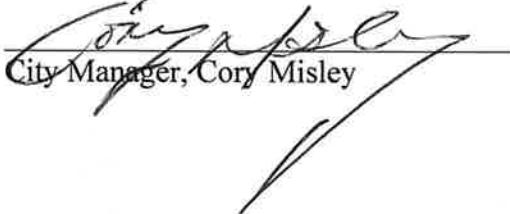
Section 2: That this resolution is and shall be effective after its passage by the Planning

Commission.

Resolution adopted by the Planning Commission of the City of Silverton, this 14<sup>th</sup> day of November, 2023.

  
\_\_\_\_\_  
Silverton Planning Commission, Madam Vice Chair

ATTEST:

  
\_\_\_\_\_  
City Manager, Cory Misley

**CITY OF SILVERTON**  
**ORDINANCE**  
**23-07**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL DENYING A ZONE  
CHANGE TO ZONE 602 EUREKA AVENUE R-5, LOW DENSITY RESIDENTIAL.  
MARION COUNTY ASSESSOR'S MAP 071W03A TAX LOT 0600**

**WHEREAS**, a Zone Change application was made by Charles Weathers (Orreo LLC) PO Box 2717 Salem OR 97308 to change the zoning of 602 Eureka Avenue from R-1, Single Family Residential to R-5, Low Density Residential; and

**WHEREAS**, the Planning Commission met in a duly advertised Public Hearing on November 14, 2023 to consider the proposed Zone Change, allowed testimony, reviewed the application; and

**WHEREAS**, following public testimony, the Planning Commission deliberated and recommends the City Council hold a public hearing to deny the proposed application (ZC-23-01); and

**WHEREAS**, after proper legal notice, a Public Hearing before the City Council was held on December 4, 2023, to consider ZC-23-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it.

**NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

Section 1: The City Council finds that the burden of proof for the zone change has not been met and the request does not meet the applicable review criteria; therefore, the request to change the Zoning from R-1 to R-5 for the property is denied.

Section 2: In support of its decision, the City Council adopts the findings contained in "Exhibit A".

Section 3: This ordinance is and shall be effective within 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 4<sup>th</sup> day of December 2023.

---

Mayor, City of Silverton  
Jason Freilinger

ATTEST:

---

City Manager/Recorder, City of Silverton  
Corey Misley

## ZC-23-01

**The City Council of the City of Silverton adopts the following findings:**

1. The applicant submitted an application requesting a Zone Change to change the zoning of 602 Eureka Avenue (Marion County Assessor's Map 071W03A Taxlot 0600) from R-1, Single Family Residential to R-5, Low Density Residential.
2. The Planning Commission met in a duly advertised Public Hearing on November 14, 2023, to consider the proposed Zone Change, allowed testimony, and reviewed the application. Following public testimony, the Planning Commission deliberated and recommends the City Council hold a public hearing to deny the proposed application (ZC-23-01).
3. After proper legal notice, a Public Hearing before the City Council was held on December 4, 2023, to consider ZC-23-01. All interested parties participated and had an opportunity to be heard.
4. The following findings relate to non-compliance with criterion 2, 4, 5 and 6.
  2. *Approval of the request is consistent with the relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation;*
  4. *The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city;*
  5. *A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application;*
  6. *The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period*
- 4.1 The requested designation for the site has been evaluated by the Planning Commission against relevant comprehensive plan policies and on balance could be found to be less supportive of the comprehensive plan as a whole than the old designation. The Planning Commission found that the area the site is located in is predominantly larger lots with lower than typical urban densities and a higher density development would not be more supportive, nor would it be consistent with the map pattern due to the larger than expected difference in density which would constitute an unacceptable negative impact.

- 4.2 The goal of the Urbanization element of the Comprehensive Plan (Comp Plan) is to “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.” A Policy of the Urbanization element indicates that multiple family development will be encouraged, especially in but not limited to, areas close to the central business district, or within walking distance of neighborhood commercial area, or in areas designated for mixed use. It is also desired that multiple family development should be scattered around the community and not concentrated within any one particular area. Small developments which fit in the existing neighborhood are preferred. The site is located approximately 3,500’ from the central business district. The Planning Commission found that the area is not close to the central business district and is not connected to business district with a sidewalk system. The Planning Commission found the development would not fit in the existing neighborhood due to the larger than average lot size found in the neighborhood where a more dense development would not fit with the character of the existing neighborhood.
- 4.3 The Planning Commission found that the public need identified by the 2020 Housing Needs Analysis is an additional 304 units over the next 20 years, or 15 per year, where 97 multifamily units have been approved in the 3 years since the HNA adoption, thereby it is not critical that this property be zoned to R-5 to potentially meet the need.
- 4.4 The Planning Commission found that the area does not currently have adequate pedestrian transportation networks within the area due to a lack of a sidewalk connection from the site to the existing sidewalk network 730 feet away on the eastern side of Eureka Avenue. The pedestrian transportation network along Eureka Avenue is not planned to be provided in the planning period. The sidewalk project to connect the area to the transportation network is listed as an Aspirational Project in the City’s Transportation System Master Plan, which are identified as transportation investments that are not reasonably expected to be funded by 2040.



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

## CC STAFF REPORT

PROCEDURE TYPE III

FILE No. ZC-23-01

LAND USE DISTRICT:

R-1, SINGLE FAMILY RESIDENTIAL

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 071W03A

LOT#: 00600

SITE SIZE: 5.15 ACRES

ADDRESS: 602 EUREKA AVE.

APPLICANT:

CHARLES WEATHERS, ORREO, LLC  
PO BOX 2717  
SALEM, OR 97308

APPLICANT'S REPRESENTATIVE

BRITANY RANDALL, BRAND LAND USE, LLC  
12150 JEFFERSON HWY 99E SE  
JEFFERSON, OR 97352

CONTACT PERSON:

BRITANY RANDALL 503-680-0949

PROPERTY OWNER:

CHARLES WEATHERS, ORREO, LLC  
PO BOX 2717  
SALEM, OR 97308

LOCATION: LOCATED ON THE SOUTHWEST SIDE  
OF EUREKA AVE BETWEEN WOODLAND DRIVE  
NE AND VICTORIA LANE.

PROPOSED DEVELOPMENT ACTION: ZONE CHANGE APPLICATION TO CHANGE THE ZONING OF 602 EUREKA AVENUE FROM R-1, SINGLE FAMILY RESIDENTIAL TO R-5, LOW DENSITY RESIDENTIAL. THE SITE IS 5.15 ACRES IN AREA AND IS CURRENTLY VACANT.

DATE: NOVEMBER 22, 2023

Attachments

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

## **ATTACHMENT A: VICINITY MAP & SITE PLAN**

Case File: ZC-23-01

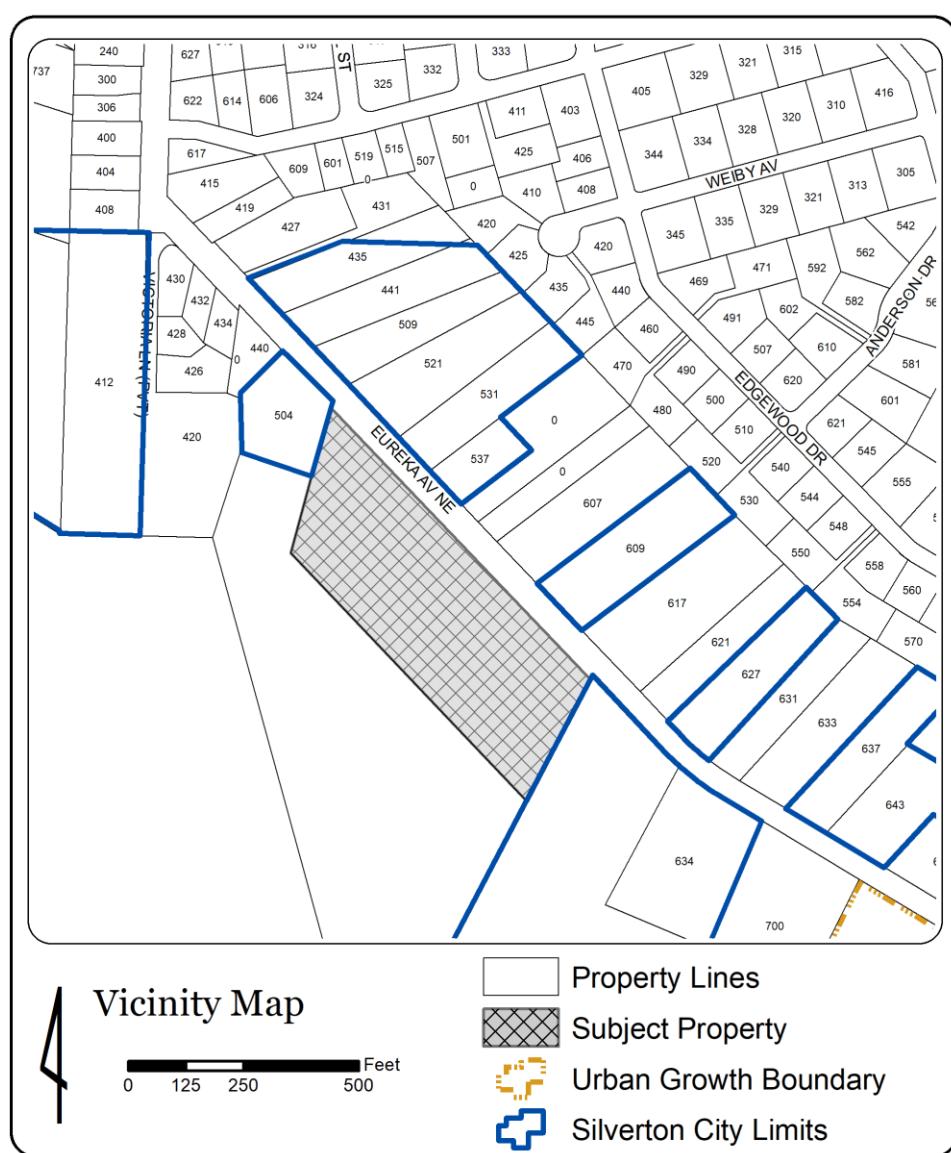
## Vicinity Map and Surrounding Land Use Districts

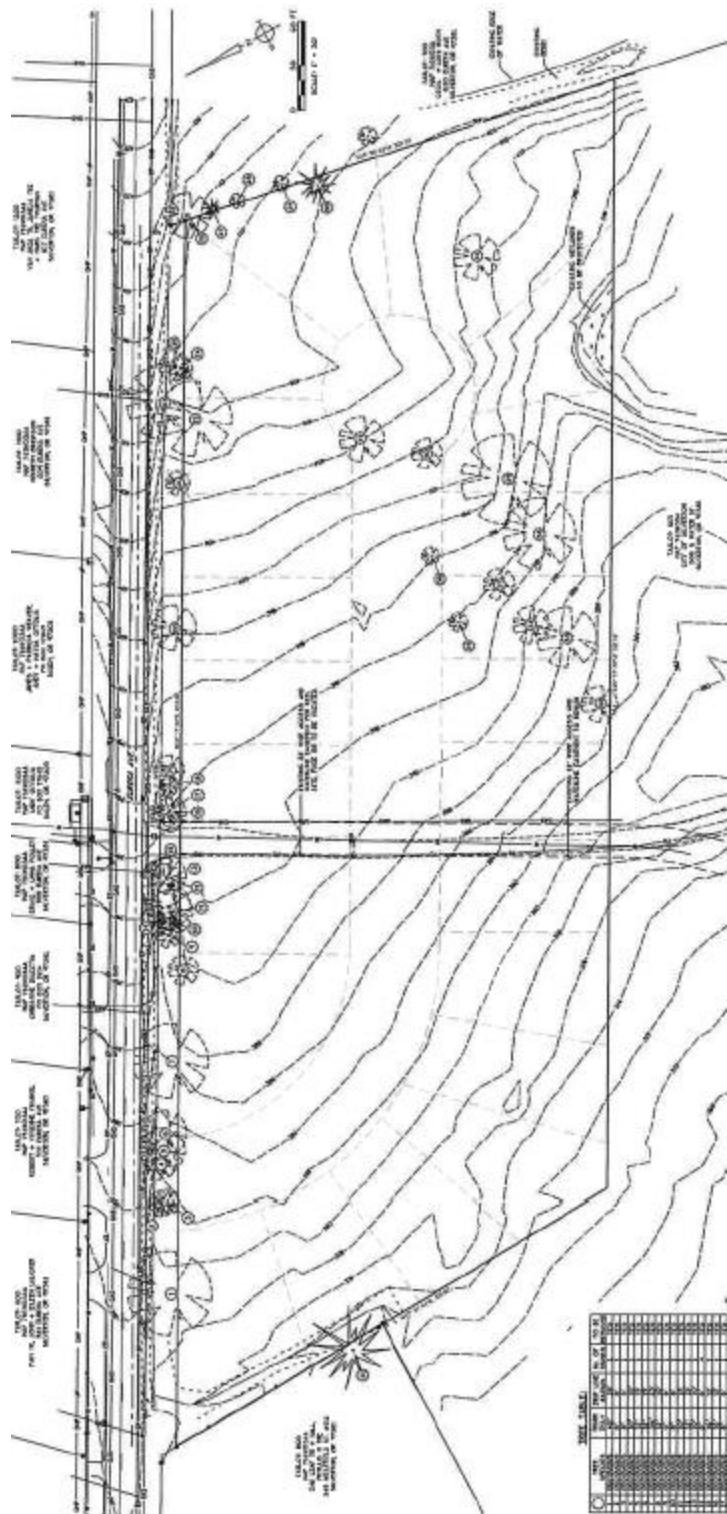
## North – R-1, Single Family Residential

North – R-1, Single Family Residential  
East – R-1, Single Family Residential

## **East – R-1, Single Family South – P, Public Overlay**

South – P, Public Overlay  
West – R-1, Single Family Residential





**ATTACHMENT B: APPLICANT'S FINDINGS**

# Zone Change from R-1 to R-5

Submittal Date: October 2023

Submitted To: City of Silverton  
Planning Department

Project Location: Marion County Map and Tax Lot  
Numbers 071W03A000600

Applicant(s): Charles Weathers  
Owner

Applicant's Land Use Representative: Britany Randall of BRAND Land Use  
[Britany@brandlanduse.com](mailto:Britany@brandlanduse.com)

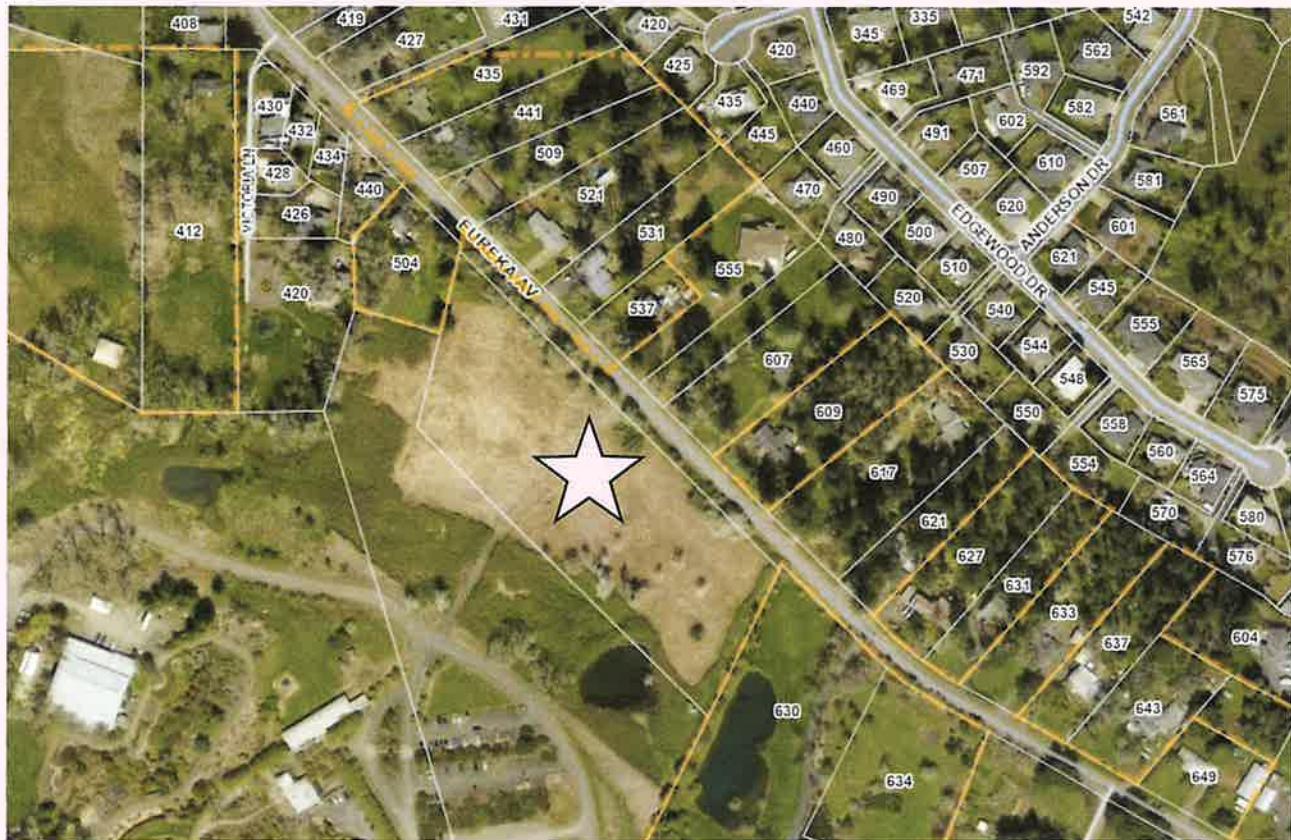


**BRAND**  
FEASABILITY | PLANNING | LAND USE  
[BRANDLANDUSE.COM](http://BRANDLANDUSE.COM)  
503.680.0949

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## Arial View of Subject Property and Existing Development



### Section 1: Property Background and Request

The applicant, Garden Grove Development, LLC, is presenting an application for a zoning map change to the City of Silverton's Zoning Map where the designation of the subject property is currently R-1, Single Family Residential and R-5, Low Density Residential is proposed.

The subject property is located along Eureka Avenue, directly abutting the Oregon Garden property along its northeasterly boundary. A 22-foot wide access easement bisects the subject property for the benefit of the Oregon Garden. The site is and has been void of structures as far back as documentation is available. A beautiful, natural, and mature landscape border exists among most of the perimeter of the site with a meadow in the center clearing. The site was previously subject of a subdivision application for which approval was granted.

The population of the City of Silverton has both steadily and dramatically increased every decade since the late 1800's, with the exception the 1960's when the city saw an approximate 2.1 percent decrease in population. The city is full of small town charm and is close to some of the most beautiful natural features in Oregon. Additionally, the city is situated close to larger metropolitan areas which provide robust employment opportunities, entertainment

opportunities, recreation opportunities, and shopping opportunities. For these reasons and more, the City of Silverton is a desirable place for people to live and raise their families. An increase in density allowances for properties within the corporate city limits can help provide the housing needed to keep pace with the continued increase in population and the projected housing needs identified in the city's Housing Needs Analysis.

The size (5.15 acres), shape, topography, availability of public infrastructure, and location of the subject site, identified as Marion County Map and Tax Lot Numbers 071W03A000600, make it ideal for an increased residential density. Throughout this narrative, the applicant demonstrates how the burden of proof is met and provides legally defensible factual findings to all applicable criteria. This narrative also demonstrates the need for increased densities and diverse housing types within the city, and suggests why this would be beneficial to the city as a whole.

## Section 2: Existing Conditions

The development site is approximately 5.15 acres in size and is described as Marion County Assessor Map and Tax Lots 071W03A000600, a Marion County Tax Map is included within the exhibits section of this submittal.

The site is located within corporate City limits of the City of Silverton. The City of Silverton Comprehensive Plan Map designates the subject property as "Single Family". The Comprehensive Plan designations of surrounding properties include:

North: Across Eureka Avenue, Single Family

South: Single Family

East: Single Family

West: Single Family

The subject property is zoned R-1 (Single Family Residential). Surrounding properties are zoned as follows:

North: Across Eureka Avenue, R-1 (Single Family Residential) and enclaves outside city limits

South: P (Public)

East: R-1 (Single Family Residential)

West: R-1 (Single Family Residential)

## Section 3: Applicable Zoning Codes

### Chapter 1.4 – General Administration

*1.4.100 – Severability*

*1.4.200 – Compliance and Scope*

*1.4.300 – Consistency with Plan and Laws*

*1.4.400 – Use of a Development*

*1.4.700 – Official Action*

*1.4.800 – Approval Compliance*

### Chapter 1.6 – Use Categories

*1.6.110 – Household Living*

### Chapter 2.1 – Organization of Land Use Districts

*2.1.100 - Classification of Land Use Districts*

*2.1.200 – Land Use District Map*

### Chapter 2.2 Residential (R) Districts

*2.2.100 Residential districts – Purpose and applicability.*

*2.2.110 Residential districts – Allowed land uses.*

### Chapter 2.7 – Wetlands and Riparian (WP) Overlay District

*2.7.110 – Wetland – Purpose*

*2.7.120 – Applicability*

### Chapter 4.1 Types of Review Procedures

*4.1.100 Purpose and applicability of review procedures.*

*4.1.400 Type III procedure (quasi-judicial).*

*4.1.600 General provisions applicable to all reviews – 120-day rule – Time computation – Pre-application conferences – Acceptance and review – Community development director's duties – Amended applications – Resubmittal – Appeals.*

### Chapter 4.7 Zoning Map and Development Code Text Amendments

*4.7.100 – Amendments – Purpose*

*4.7.300 – Quasi-Judicial Amendments*

*4.7.600 – Transportation Planning Rule Compliance*

## Section 4: Findings Applicable to Administrative Procedures

Chapter 1.4 – General Administration

### Section 1.4.100 – Severability

The provisions of this development code are severable. If any section, sentence, clause or phrase of the development code is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the development code.

***Applicant's Findings:*** *The applicant understands the provisions of this code are severable and any remaining portion of the code is still valid and apply to this submittal. As applicable, the applicant has provided responses to each criterion below.*

#### Section 1.4.200 – Compliance and scope

A. Compliance with the Provisions in the Development Code. Land and structures may be used or developed only as this development code (“code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued or valid without compliance with the provisions of this code and all permits, approvals, and conditions of approval issued under it.

***Applicant's Findings:*** *This application is not for development or a land division. The applicant understands no plats or building permits may be recorded or issued prior to compliance with the applicable provisions of this code. The applicant has demonstrated compliance with criteria related to a zone change within this narrative. This criterion will be met.*

B. Obligation by Successor. The requirements of this code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest. Development approvals and applicable conditions shall run with the land. The approval transfers to a new owner if the property is sold or otherwise transferred, unless specifically conditioned otherwise.

***Applicant's Findings:*** *The applicant understands development approvals and conditions run with the land and if ownership shall change, no modifications will be made to any approvals granted.*

C. Transfer of Development Standards Prohibited. No lot area, yard, landscaping, or open space that is required by this code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this code.

***Applicant's Findings:*** *The applicant understands in accordance with this criterion, transferring development standards is prohibited.*

#### [Section 1.4.300 – Consistency with plan and laws](#)

This development code is designed to implement the city of Silverton comprehensive plan. All provisions of this code shall be construed in conformity with the adopted comprehensive plan and applicable state and federal laws.

***Applicant's Findings:*** *The applicant understands that compliance with the City of Silverton Development Code means compliance with the City of Silverton Comprehensive Plan and thereby compliance with Oregon's Statewide Planning Goals. As applicable, the request meets the criteria for approval of the zone change.*

#### [Section 1.4.400 – Use of a development.](#)

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this code and has received the applicable approvals (e.g., design review, land division, public improvement permits, state and federal regulations) and is not prohibited by law.

***Applicant's Findings:*** *The applicant understands upon use of their future development, it must be a permitted use and receive all applicable approvals for the use. This criterion will be met.*

#### [Section 1.4.700 – Official action.](#)

- A. Official Action. The city official and his or her designees are vested with authority to issue permits or grant approvals in conformance with this code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this code.

***Applicant's Findings:*** *The applicant understands the city's review authority's responsibility to only issue permits or grant approvals for proposals which are in conformance with the Silverton Development Code applicable sections.*

- B. Declaring a Prior Decision Void. Any permit or approval issued or granted that fails to comply with the provisions of this code or the code in force at the time the permit or approval was granted may be declared void by the city. The reviewing body shall determine when an approval is void and may direct cessation of building activity or use or may direct modification in order to attain conformance to the code.

***Applicant's Findings:*** *The applicant understands that any permit or approval issued or granted that fails to comply with the provisions of this code or the code in force at the time the permit or approval was granted may be declared void by the city.*

- C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this code, provided a good faith effort was made to notify all parties entitled to notice.

***Applicant's Findings:*** *The applicant understands failure of persons to receive mailed notice, or failure to post a notice will not invalidate any actions pursuant to this code so long as proof a good faith effort was made to notify anyone entitled to such notice, in this case, all property owners within 500-feet of all portions of the site.*

- D. Fees. The city council shall establish application and review fees and fee policies by separate resolution for the performance of the actions and reviews required by this code.

***Applicant's Findings:*** *The applicant understands a fee is assessed by the City Council for the subject application.*

#### [Section 1.4.800 – Approval compliance](#)

- A. Application Materials. Application materials and other information (such as oral and/or written testimony) submitted by an applicant and relied upon by the city staff and/or the decision-making body during the review and approval process in order to gain development approval are considered part of the application and any commitment contained within this material shall become legally binding upon the applicant.

***Applicant's Findings:*** *The applicant understands any application materials submitted in support of the request is legally binding.*

- B. Conditions of Approval. Developments that have been granted approval subject to conditions of approval are required to comply with said conditions of approval. As these conditions run with the land, future owners, lessees, renters, etc., will also be required to comply with said conditions of approval. In the event that these conditions require reconsideration, then the appropriate application and review procedures must be followed for reconsideration of said conditions in accordance with the provisions of this code.

***Applicant's Findings:*** *The applicant understands when an application receives approval subject to conditions, the conditions must be complied with. Further, the applicant understands conditions imposed will run with the land and all users of the land will also be required to comply with the conditions. The review authority has a responsibility to only impose conditions which directly uphold the provisions of the code or protect life safety and welfare. It is not anticipated any conditions of approval will need to be imposed on this application.*

## Section 5: Findings Applicable to Zone Change

### Chapter 2.1 – Organization of Land Use Districts

#### Section 2.1.100 – Classification of Land Use Districts

Every parcel, lot, and tract of land within the city of Silverton is designated with a land use (zoning) district. The use of land is limited to the uses allowed by the applicable comprehensive plan designation, land use designation and zoning district and/or overlay zone. The applicable districts and overlay zone(s) are determined based on the city of Silverton zoning map and the provisions of this chapter, which shall be consistent with the city of Silverton comprehensive plan, as indicated in Table 2.1.100.

***Applicant's Findings:*** *The applicant understands the application of zoning for every parcel, lot or tract of land within the City of Silverton is a requirement. Each zone applied implements the goals and policies of the city's Comprehensive Plan in compliance with Oregon Statewide Planning Goals. In compliance with the city's development code, the applicant is seeking a zone change, but no change to the Silverton Comprehensive Plan designation for the subject property is requested.*

#### Section 2.1.200 – Land Use District Map

- A. Consistency with Zoning Map. The boundaries of the land use districts contained within this chapter shall coincide with the boundaries identified on the city's official zoning map, retained by the city recorder. Said map by this reference is made a part of this development code. The official zoning map, and any map amendments, shall be maintained by the city.

***Applicant's Findings:*** *In accordance with the City of Silverton's adopted Zoning Map, the subject property is currently designated as R-1. To comply with density requirements, in accordance with this section which requires consistence with the zoning map, the applicant is seeking a zone change to R-5, Low Density Residential. The applicant understands the city's responsibility for retention of maintenance of the maps.*

- B. Applicability. Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated on the official zoning map is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

***Applicant's Findings:*** *The applicant is aware of and understands the limits of the zoning district currently applied to their property, R-1. To allow for greater design opportunities for future residential developments, the applicant is seeking a zone change to R-5, Low Density Residential.*

## Chapter 4.7 – Zoning Map and Development Code Text Amendments

### Section 4.7.100 – Amendments – Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and the zoning map. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

***Applicant's Findings:*** *The applicant understands the purpose of this section of the development code and has provided responses to all applicable criteria as demonstrated below.*

### Section 4.7.300 – Quasi-Judicial Amendments

A. Applicability of Quasi-Judicial Amendments. “Quasi-judicial amendments” are those that involve the application of adopted policy to a specific development application or code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial zone map amendments shall follow the Type III procedure, as governed by SDC 4.1.400, using standards of approval in subsection (B) of this section. The approval authority for such actions shall be as follows:

1. The planning commission shall review and recommend zoning map changes that do not involve comprehensive plan map amendments;
2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and
3. The planning commission shall make a recommendation to the city council on a zoning change application that also involves a comprehensive plan map amendment application. The city council shall decide both applications.

***Applicant's Findings:*** *The applicant is seeking approval of a zone change. The zone change being sought is from the current property designation of R-1 to R-5. Both of these zones fall within the same comprehensive plan designation and therefore no comprehensive plan change is required or requested by the applicant. The applicant understands because this zone change is not consolidated with a comprehensive plan amendment, it will be subject to the rules of SDC 4.1.400. This criterion will be met.*

B. Criteria for Quasi-Judicial Amendments. The city shall consider the following review criteria and may approve, approve with conditions or deny a quasi-judicial amendment based on the following; if the application for an amendment originates from a party other than the city; the applicant shall bear the burden of proof.

1. Approval of the request is consistent with the statewide planning goals;

***Applicant's Findings:*** *The applicant is seeking approval of a zone change from R-1 to R-5. In accordance with the introduction section of the City of Silverton Comprehensive Plan, "A*

*comprehensive plan is a long-range policy guide for development of the community as a whole. The policies are based upon facts describing what presently exists and the future needs identified by the community. The plan is comprehensive because it covers all elements in the community – urbanization, housing, commerce, industry, land use, natural and historic resources, air and water quality, natural hazards, transportation, public facilities, and citizen involvement – combines in one planning document. The Silverton City Council and Planning Commission, along with the Marion County Commissioners and Planning Commission, use the Silverton Comprehensive Plan to guide decisions about Silverton's physical, social, and economic development." The comprehensive plan introduction goes on to discuss the statewide planning goals. "Oregon Revised Statutes (ORS) Chapter 197, otherwise known as the 1973 Land Use Act, provides for the development coordination of comprehensive plans through the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC). The Silverton Comprehensive plan and implementing ordinances were acknowledged by LCDC as being in compliance with the statewide planning goals on September 4, 1980. Silverton was one of the first cities in Oregon to be acknowledged." With the confirmation that the implementation of the comprehensive plan complies with the statewide planning goals, and the understanding that this proposal will not give the site a new comprehensive plan designation and the designation will remain single family residential, this criterion is met.*

2. Approval of the request is consistent with the relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation;

***Applicant's Findings:*** As demonstrated above, the applicant is seeking approval of a zone change from R-1 to R-5 which remains consistent with the current comprehensive plan designation of single family residential. Because the proposal does not change the existing designation of the subject property, the proposed zone change continues to be consistent with the relevant comprehensive plan policies. This criterion is met.

3. The requested designation is consistent with any relevant area plans adopted by the city council;

***Applicant's Findings:*** In accordance with the City of Silverton Parks and Recreation Master Plan's recommended vision diagram, the subject site is identified to have a connection opportunity to connect the Oregon Garden to downtown. The property is already incumbered by an easement bisecting the property which will implement this connection at the time of site development. In accordance with the Silverton Stormwater Master Plan, neither the existing systems nor any capital improvement projects impact or will impact the subject site. Table 7 of the Silverton Transportation System Plan identifies a possibly funded transportation system project for sidewalk infill starting at Eureka Avenue to the west of the subject site, not along the project frontage. Table 8 of the Silverton Transportation System Plan identifies aspirational

*transportation system projects including bicycle lanes on Eureka Avenue, this section also identifies the desire for a pedestrian segment project along the project frontage. At the time of development, the frontage improvement of the subject site could help to fulfill this desired improvement. Finally, a portion of the property frontage of Eureka Avenue NE is identified in the 2020 Water Master Plan: Capital Improvement Plan. In accordance with the plan, the objective of the CIP is to eliminate the vulnerability of a single supply point to the Anderson PRV Zone and provide for higher fire flow requirements at sites such as Robert Frost Elementary and Silverton Hospital. The proposed zone change is consistent and not in conflict with each relevant plan. Additionally, in some cases, the future development of the subject site could aid in the city meeting the objectives identified in the relevant plans. This criterion is met.*

4. The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city;

***Applicant's Findings:*** *As demonstrated above, the applicant is seeking approval of a zone change from R-1 to R-5 which remains consistent with the current comprehensive plan designation of single family residential. Because the proposal does not change the existing designation of the subject property, the proposed zone change continues to be consistent with the relevant comprehensive plan policies. This criterion is met.*

5. A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application;

***Applicant's Findings:*** *The applicant's proposed zone change will continue to fill the need for the development of housing within the State of Oregon and the City of Silverton. The change from R-1 to R-5 provides for some density increases and design flexibility which can be a benefit to the community through providing more diverse housing types, fulfilling a goal identified in the Silverton Comprehensive Plan. This criterion is met.*

6. The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

***Applicant's Findings:*** *At the time development is proposed, infrastructure improvements will be proposed and reviewed by city staff for acceptance and approval. Previously, the city approved a subdivision on this site proving that adequate facilities, services, and transportation networks in the area either exist, or can be improved, to support future uses. This criterion is met.*

7. The amendment conforms to other applicable provisions of this code, such as the transportation planning rule requirements incorporated into SDC 4.7.600.

**Applicant's Findings:** *The applicant has provided findings in response to each applicable provision within this code. As demonstrated, the proposal meets the applicable criteria.*

8. Any amendment involving a change to the city's urban growth boundary shall conform to applicable state planning rules for such amendments.

**Applicant's Findings:** *The proposal is for a zone change from R-1 to R-5 and does not include an amendment to the City's Urban Growth Boundary. This criterion is not applicable.*

#### [Section 4.7.600 – Transportation Planning Rule Compliance](#)

- A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment, development code amendment, or zoning change, the proposal shall demonstrate it is consistent with the adopted transportation system plan and the planned function, capacity, and performance standards of the impacted facility or facilities. Proposals shall be reviewed to determine whether they significantly affect a transportation facility pursuant to OAR 660-012-0060 (Transportation Planning Rule – TPR) and in accordance with traffic impact study provisions in SDC 4.1.900. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

**Applicant's Findings:** *In accordance with Silverton Municipal Code, a Traffic Impact Study is required in the following scenarios:* 1. *A change in zoning or a plan amendment designation if required by the public works director;*

2. *Any proposed development or land use action resulting in an increase of 20 single-family dwellings or 200 average daily trips, whichever is less, per the Institute of Transportation Engineers (ITE) Trip Generation Manual;*

3. *Where a road authority states that it has operational or safety concerns with its facility(ies);*

4. *A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 20 peak hour trips or more per day;*

5. *The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway, creating a safety hazard;*

6. A change in internal traffic patterns that may cause safety problems, such as backup onto a street or greater potential for traffic accidents;
7. An increase in traffic volume of 25 vehicles during the peak hour on a local residential or neighborhood collector residential street.

*The applicant believes none of these scenarios exist until development is proposed, at which time, the applicant can provide an updated TIS reflecting new dwelling unit densities. As applicable, this criterion will be met.*

## [Chapter 1.6 – Use Categories](#)

### [Section 1.6.110 – Household living](#)

- A. Characteristics. Household living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as household living. Single-room-occupancy (SRO) housing, that does not have totally self-contained dwelling units, is also included if at least two-thirds of the units are rented on a monthly basis. Single-room-occupancy apartments/rooming houses (SROs) may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential care homes are included in the household living category. “Residential care home” means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for not more than five individuals who need not be related, excluding required staff persons.
- B. Accessory Uses. Accessory uses commonly found are recreational activities, home gardening, raising of pets, hobbies, and parking of the occupants’ vehicles. Home occupations, accessory dwelling units/guest houses with kitchen facilities, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Examples also include living in single-room-occupancy apartments/rooming houses (SROs) if the provisions are met regarding length of stay and separate meal preparation.
- D. Exceptions.

1. Lodging in a dwelling unit or SRO where less than two-thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the retail sales and service category.
2. SROs that provide common dining only are classified as group living.
3. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a community service use, such as short-term housing or mass shelter.

**Applicant's Findings:** *The applicant is proposing the R-5 zoning designation for the subject property. The household living uses permitted within the current designation of R-1 are consistent with what would be permitted should the R-5 designation be approved and applied to the site. At the time development is proposed, the applicant will ensure proposed uses are consistent with this section.*

## [Chapter 2.2 – Residential \(R\) Districts](#)

### [Section 2.2.100 – Residential districts--Purpose and Applicability](#)

A. Purpose. The residential districts promote the livability, stability and improvement of the city's neighborhoods. The districts are intended to:

1. Promote the orderly development of neighborhoods.
2. Make efficient use of land and public services and implement the comprehensive plan.
3. Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
4. Allow for convenient neighborhood access to parks, schools, places of worship, and other supportive services, compatible with planned residential densities.
5. Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
6. Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and desired architectural character of Silverton.
7. Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
8. Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling and transit use.
9. Provide direct and convenient access to schools, parks and neighborhood services.

10. Accommodate acreage residential uses in areas not yet served with urban infrastructure.

***Applicant's Findings:*** *The applicant understands the purpose of the residential zoning districts and is proposing the R-5 district where the site is currently designated R-1. The purpose of both districts is the same.*

B. Applicability. The land use districts shall be applied consistently with the policies and land use designations of the city of Silverton comprehensive plan text and map. Where the comprehensive plan allows for the possible application of more than one land use district (i.e., at the time of annexation or any proposed rezoning), the districts shall be applied appropriately based on the following criteria and consistent with the amendment procedures in Chapter 4.7 SDC. Densities may be transferred or adjusted through the planned development approval process under Chapter 4.5 SDC, provided the overall density on the site conforms with the density range allowed per the comprehensive plan designation. The purpose of this is to provide for exceptional development designs that conserve open spaces and meet other community planning objectives.

1. The single-family residential (R-1) zone is one of the land use districts that implements the single-family residential comprehensive plan land use designation. It is intended primarily for household and group living at densities generally ranging from two dwellings per acre to not more than six dwellings per acre. Hillside properties zoned R-1 shall also be subject to the hillside protection overlay zone provisions under Chapter 2.6 SDC.

2. The low density residential (R-5) zone is one of the land use districts that implements the single-family residential comprehensive plan land use designation. It is intended to accommodate a variety of household and group living uses, including attached and detached dwellings, on small and medium size lots, at densities generally ranging from five dwellings per acre to not more than 10 dwellings per acre. The R-5 district is an appropriate transition between R-1 zoning and higher density residential or commercial districts.

***Applicant's Findings:*** *The applicant includes the applicability of the R-1 and the R-5 zoning to demonstrate both zones implement the same comprehensive plan designation and the application of R-5 zoning is consistent with statewide planning goals for this reason.*

#### [Chapter 2.7 – Wetlands and Riparian \(/WP\) Overlay District](#)

##### [Section 2.7.110 – Wetland – Purpose](#)

The wetlands overlay district is intended to ensure that wetland sites within the city are developed with all due sensitivity for the vital role these areas play in the environment.

***Applicant's Findings:*** *The applicant understands the purpose of the wetlands and riparian overlay district.*

#### [Section 2.7.120 – Applicability](#)

The wetland area regulations apply to those areas meeting Division of State Lands criteria for wetland classification. Precise wetland boundaries may vary from those shown on the comprehensive plan map exhibit if on-site inspection and delineation by a recognized authority and/or other city-approved documentation indicate more accurate boundaries. Those more precise boundaries can be identified, mapped, and used for review and development without a change in the comprehensive plan wetlands map exhibit. All developments proposed within a designated wetland area shall be subject to the provisions of conditional use review and the wetland area regulations. If the development area is within the floodplain district, then the floodplain district regulations of Chapter 2.5 SDC shall also apply.

***Applicant's Findings:*** *A small area of the subject site is incumbered by a wetland. At the time of development, the applicant understands they will be subject to the provisions of this overlay including any restrictions or notice to state agencies. At the time of proposed development, these criteria will be met.*

#### [Chapter 4.1 – Types of Review Procedures](#)

##### [Section 4.1.100 – Purpose and applicability of review procedures](#)

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the city, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.100 provides a key for determining the review procedure and the decision-making body for particular approvals.

***Applicant's Findings:*** *The applicant understands the purpose of review procedures and understands the review authority for zone changes within the City of Silverton to be the Planning Commission.*

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures: Types I, II, III, and IV. These procedures are described in subsections (B)(1) through (4) of this section. Table 4.1.100 lists all of the city’s land use and development approvals and their required review procedure(s).

1. Type I Procedure (Ministerial). Type I decisions are made by the community development director, or someone he or she officially designates, without public notice

and without a public hearing. The Type I procedure is used when there are clear and objective review criteria, and applying city standards and criteria requires no use of discretion;

2. Type II Procedure (Limited Land Use Decision). Type II decisions are made by the community development director or designee with public notice, and an opportunity for a planning commission public hearing if requested. The appeal of a Type II decision made by the planning commission is heard by the city council;
3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the planning commission after a public hearing, with appeals made to the city council. Type III decisions generally use discretionary review criteria;
4. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the planning commission with final decisions made by the city council. A Type IV hearing may be conducted in a joint meeting of the city council and planning commission.

***Applicant's Findings:*** *In accordance with Silverton Municipal Code, the proposed application is quasi-judicial and will be subject to Type III procedures.*

C. Number of Days. All “days” referenced by this code are calendar days, unless noted otherwise.

***Applicant's Findings:*** *The applicant understands the state mandated deadlines mentioned in this code are calendar days unless another note is provided.*

#### [\*\*Section 4.1.400 – Type III procedure \(quasi-judicial\).\*\*](#)

A. Pre-Application Conference. A pre-application conference is required for all Type III applications. The procedures for a pre-application conference are described in SDC 4.1.600(C).

***Applicant's Findings:*** *The applicant held the required pre-application conference with staff on April 27, 2023. This criterion is met.*

B. Application Requirements.

1. Application Forms. Type III applications shall be made on forms provided by the community development director or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff or upon appeal, no new application is required.

2. Submittal Information. Type III applications must be submitted and complete at least 45 days before the requested planning commission hearing date. For the initial staff review, a total of five copies of the application shall be submitted. An additional seven copies shall be submitted after the community development director has deemed the application complete. All Type III applications shall:

- a. Include the information requested on the application form;
- b. Contain plans, exhibits, studies, and/or other information as required by the community development director, in order to assist the city in making findings under the applicable review criteria;
- c. Be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapter 4.2 SDC, Land Use Review and Design Review, Chapter 4.3 SDC, Land Divisions and Property Line Adjustments, Chapter 4.6 SDC, Modifications to Approved Plans and Conditions of Approval, Chapter 4.8 SDC, Code Interpretations, and Chapter 4.9 SDC, Miscellaneous Permits;
- d. Be accompanied by the required nonrefundable fee;
- e. A certified list prepared by a title company or certified by the Marion County tax assessor's office with the names and addresses of all property owners within 500 feet of the subject site; and
- f. Applications which are not filled out completely and include all information required by the application form will not be processed by the city.

***Applicant's Findings:*** All of the items required for submittal are included with this application.

C. Notice of Hearing.

1. Mailed Notice. The city shall mail the notice of the Type III hearing. The records of the county assessor's office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the community development director or designee in the following manner:

- a. At least 20 days before the hearing date, notice shall be mailed to:
  - i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
  - ii. All property owners of record and residents within 700 feet of the site;

- iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the road authority and transit and transportation service provider when there is a proposed development abutting or affecting their transportation facility or service and allow the agency to review, comment on, and suggest conditions of approval for the application;
    - iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
    - v. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;
    - vi. Any person who submits a written request to receive notice;
    - vii. For appeals, the appellant and all persons who provided testimony in the original decision; and
    - viii. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
  - b. The community development director or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
  - c. At least 10 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the city. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.
2. Content of Notice. Notice of appeal of a Type II administrative decision or notice of a Type III hearing to be mailed and published per subsection (C)(1) of this section shall contain the following information:
- a. The nature of the application and the proposed land use or uses that could be authorized for the property;
  - b. The applicable criteria and standards from the development code(s) that apply to the application;
  - c. The street address or other easily understood geographical reference to the subject property;

- d. The date, time, and location of the public hearing;
  - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
  - f. The name of a city representative to contact and the telephone number where additional information on the application may be obtained;
  - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Silverton City Hall at no cost and that copies shall be provided at a reasonable cost;
  - h. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
  - i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
  - j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The city of Silverton development code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
3. Posting Notice. The site shall be posted with a notice that contains a brief description of the project, the file number assigned to the project by the city and the address of City Hall and the phone number for the community development department. The notice shall be clearly visible to pedestrians and motorists and must be able to withstand adverse weather.

***Applicant's Findings: The applicant understands and is familiar with the noticing requirements.***

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance:
  - a. The applicable review criteria and standards that apply to the application or appeal;
  - b. A statement that testimony and evidence shall concern the review criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

- c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
  - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the planning commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per subsection (D)(2) of this section, or by leaving the record open for additional written evidence or testimony per subsection (D)(3) of this section.
2. If the planning commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence.
3. If the planning commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the city in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the planning commission shall reopen the record.
- a. When the planning commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
  - b. An extension of the hearing or record granted pursuant to subsection (D) of this section is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
  - c. If requested by the applicant, the city shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence;

- d. The record shall contain all testimony and evidence that is submitted to the city and that the hearings body has not rejected;
  - e. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
  - f. The review authority shall retain custody of the record until the city issues a final decision.
4. Participants in the appeal of a Type II administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see subsection (D)(5) of this section) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:
- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in subsection (D)(5) of this section) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
  - b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, have a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
  - c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
  - d. If a member of the hearings body abstains or is disqualified, the city may provide a substitute in a timely manner subject to the impartiality rules in subsections (D)(4) and (5) of this section. In this case, a member of the city council appointed by a majority vote of the city council may substitute for a member of the planning commission;

- e. If all members of the planning commission abstain or are disqualified, the city council shall be the hearing body. If all members of the city council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be requalified to make a decision;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

#### 5. Ex Parte Communications.

- a. Members of the hearings body shall not:
  - i. Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per subsection (D)(4) of this section;
  - ii. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
- b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
  - i. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
  - ii. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
- c. A communication between city staff and the hearings body is not considered an ex parte contact.

#### 6. Presenting and Receiving Evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

- b. There may be a presentation of a staff report, a presentation by the applicant or those representing the applicant, a presentation by those who oppose the proposed application, by those in favor of the proposed application and by those who do not necessarily support or oppose the proposed application;
- c. A rebuttal by the applicant shall be limited to issues raised during the presentation of evidence in opposition or neutral. A surrebuttal shall be limited to issues raised during the rebuttal of the evidence;
- d. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in subsection (D) of this section;
- e. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

***Applicant's Findings:*** *The applicant acknowledges and understands the hearing procedures and expectations for all parties including city staff and planning commissioners.*

E. The Decision Process.

- 1. Basis for Decision. Approval or denial of an appeal of a Type II administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the city as a whole;
- 2. Findings and Conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
- 3. Form of Decision. The planning commission shall issue a final written order containing the findings and conclusions stated in subsection (E)(2) of this section, which either approves, denies, or approves with specific conditions. The planning commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
- 4. Decision-Making Time Limits. A final order for any Type II administrative appeal or Type III action shall be filed with the community development director or designee within 10 business days after the close of the deliberation;

5. Notice of Decision. Written notice of a Type II administration appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within 10 business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision; provided, that a good faith attempt was made to mail the notice;

6. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the city. The decision is effective on the day after the 10-day appeal period expires. If an appeal for a Type III application is filed, the decision becomes effective on the day after the appeal is decided by the city council. The notification and hearings procedures for Type III applications on appeal to the city council shall be the same as for the initial hearing. An appeal of a Type II appeal decision to the State Land Use Board of Appeals must be filed within 21 days of the review body's written decision. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the city council's written decision;

7. Appeals. Appeals of Type III decisions are heard by the city council, as applicable, and follow the procedures below:

a. Who May Appeal. The following people have legal standing to appeal a Type III decision:

- i. The applicant or owner of the subject property;
- ii. Any other person who participated in the proceeding by submitting oral or written comments.

b. Appeal Filing Procedure.

i. Notice of Appeal. Any person with standing to appeal, as provided in subsection (E)(1) of this section may appeal a Type III decision by filing a notice of appeal according to the following procedures;

ii. Time for Filing. A notice of appeal shall be filed with the community development director or designee within 10 days of the date the notice of Type III decision was mailed;

iii. Content of Notice of Appeal. The notice of appeal shall contain:

(A) An identification of the decision being appealed, including the date of the decision;

(B) A statement demonstrating the person filing the notice of appeal has standing to appeal;

(C) A statement explaining the specific issues being raised on appeal;

(D) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;

(E) If de novo review is requested, a statement summarizing the new evidence which will be offered and the criteria to which it will relate. The decision to grant a de novo hearing rests solely upon the discretion of the city council;

(F) Filing fee.

c. Scope of Appeal. The review body shall determine the scope of review on appeal to one of the following:

i. Restricted to the record made on the decision being appealed. The record shall include a factual report prepared by the community development director, all exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and received or considered in reaching the decision under review, and the minutes of the hearing. The reviewing body may make its decision based only upon the record or may grant the right of oral argument to all affected parties, but not the introduction of additional evidence.

ii. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.

iii. A de novo hearing on the merits. "De novo hearing" shall mean a hearing by the review body as if the request had not been previously heard and as if no decision had been rendered, except that all testimony, evidence, and other material from the record of the previous consideration may be included in the record of the review. The presiding officer may establish a time limit for presentation of information at the public hearing.

d. Appeal Procedures: A Type III notice, hearing procedures and decision process shall also be used for appeals of Type III decisions, as provided in SDC 4.1.400. Appeal applications which are not filled out completely and include all information required by the application form will not be processed by the city.

e. Further Appeal to LUBA. The decision of the review body regarding an appeal of a Type III decision is the final decision of the city. The decision of the review body on an appeal is final and effective on the date it is mailed by the city. The review body's decision may be appealed to the State Land Use Board of Appeals within 21 days of the written notice of decision pursuant to ORS 197.805 through 197.860.

8. City Council Call-Up of Planning Commission Decision. The city council may call up any planning action for a decision upon motion and majority vote, provided such vote takes place in the required appeal period. Unless the planning action is appealed and a public hearing is required, the council review of the planning action is limited to the record and public testimony is not allowed. The council may affirm, modify, or reverse the decision of the planning commission, or may remand the decision to the commission for additional consideration if sufficient time is permitted for making a final decision of the city. The council shall make findings and conclusions and cause copies of a final order to be sent to all parties of the planning action.

***Applicant's Findings:*** *The applicant understands the decision process.*

Section 4.1.600 – General provisions applicable to all reviews - 120 day rule - Time computation- Pre-application conferences- Acceptance and review- Community development director's duties- Amended applications- Resubmittal- Appeals.

A. One-Hundred-Twenty-Day Rule. The city shall take final action on Type I, II, and III permit applications that are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions or plan and code amendments under ORS 227.178.)

***Applicant's Findings:*** *Because this application does not include a comprehensive plan amendment, it is subject to the 120 state mandated deadline for a decision to be rendered.*

B. Time Computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day that is not a Saturday or legal holiday.

***Applicant's Findings:*** *The applicant understands the manner in which time shall be computed.*

C. Pre-Application Conferences.

- iii. The community development director or designee;
    - iv. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
  - b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
2. Consolidation of Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
- a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications, in the following order of preference: the council, the commission, or the community development director or designee.
  - b. When proceedings are consolidated:
    - i. The notice shall identify each application to be decided;
    - ii. The decision on a plan map amendment shall precede the decision on a proposed zone change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
    - iii. Separate findings and decisions shall be made on each application.
3. Check for Acceptance and Completeness. In reviewing an application for completeness, the following procedure shall be used:
- a. Acceptance. When an application is received by the city, the community development director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant:
    - i. The required forms;
    - ii. The required, nonrefundable fee;

1. **Applicant's Responsibility.** When a pre-application conference is required or requested, the applicant shall submit a summary of the proposal to the community development director with a nonrefundable fee at least seven days beforehand, then meet with the community development director or his/her designee(s) and other parties as appropriate at the scheduled time;
2. **Information Provided.** At such conference, the community development director or designee shall:
  - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
  - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
  - c. Provide available technical data and assistance that will aid the applicant;
  - d. Identify other governmental policies and regulations that relate to the application; and
  - e. Reasonably identify other opportunities or constraints concerning the application;
3. **Disclaimer.** Failure of the community development director or his/her designee to provide any of the information required by this subsection (C) shall not constitute a waiver of any of the standards, criteria or requirements for the application;
4. **Changes in the Law.** Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.
5. **Agency Participation.** The city shall invite agencies potentially affected by the proposal, including road authorities and transportation service providers, to participate in the preapplication conference, whether in person or in written comments.

***Applicant's Findings:*** *The applicant held a pre-application conference with city staff which followed these procedures.*

D. Acceptance and Review of Applications.

1. **Initiation of Applications.**
  - a. Applications for approval under this chapter may be initiated by:
    - i. Order of city council;
    - ii. Resolution of the planning commission;

iii. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness.

i. Review and Notification. After the application is accepted, the community development director or designee shall review the application for completeness. If the application is incomplete, the community development director or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information, or 14 days to submit a refusal statement;

ii. Application Deemed Complete for Review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the community development director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the community development director or designee in this subsection (D)(3)(b). For the refusal to be valid, the refusal shall be made in writing and received by the community development director or designee no later than 14 days after the date on the community development director or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete for processing on the thirty-first day after the community development director or designee first accepted the application.

iii. Standards and Criteria That Apply to the Application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

iv. Coordinated Review. The city shall also submit the application for review and comment to the city engineer, road authority, and other applicable county, state, and federal review agencies.

4. Changes or Additions to the Application During the Review Period. Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the community development director or designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or

- other evidence submitted after that date shall be received by the community development director or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
- b. When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
- c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternative, the reviewer may inform the applicant, either in writing or orally at a public hearing, that such changes may constitute a significant change (see subsection (D)(4)(d) of this section), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
- d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the city shall take one of the following actions, at the choice of the applicant:
- i. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
  - ii. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (SDC 4.1.600(A)) on the existing application. If the applicant does not consent, the city shall not select this option;
  - iii. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The city will complete its decision-making process without considering the new evidence;
- e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject

to the standards and criteria in effect at the time the new application is accepted.

***Applicant's Findings:*** *The application is being presented by the property owner and is not being consolidated with any other request. As applicable, the initiation requirements have been met.*

E. Community Development Director's Duties. The community development director or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the city's comprehensive plan, and implementing ordinance provisions;
2. Accept all development applications that comply with this section;
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or nonconformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial, or approval with specific conditions that ensure conformance with the review criteria;
4. Prepare a notice of the proposal decision:
  - a. In the case of an application subject to a Type I or II review process, the community development director or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
  - b. In the case of an application subject to a hearing (Type III or IV process), the community development director or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by SDC 4.1.300(C) (Type II), 4.1.400(C) (Type III), or 4.1.500(D) (Type IV);
5. Administer the hearings process;
6. File notice of the final decision in the city's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application

was considered; and any other exhibit, information or documentation that was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

***Applicant's Findings:*** *The applicant understands the responsibility of the Community Development Director, or their designee for processing this application request.*

## **Section 6: Conclusion**

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof and demonstrated how the proposed zone change not only satisfies all applicable criteria but would also be a benefit to the community by providing diverse housing opportunities in the future for the City of Silverton.

## **Section 7: Exhibits**

Exhibit A – Zone Change Application

Exhibit B – Zoning Map

Exhibit C – Deed

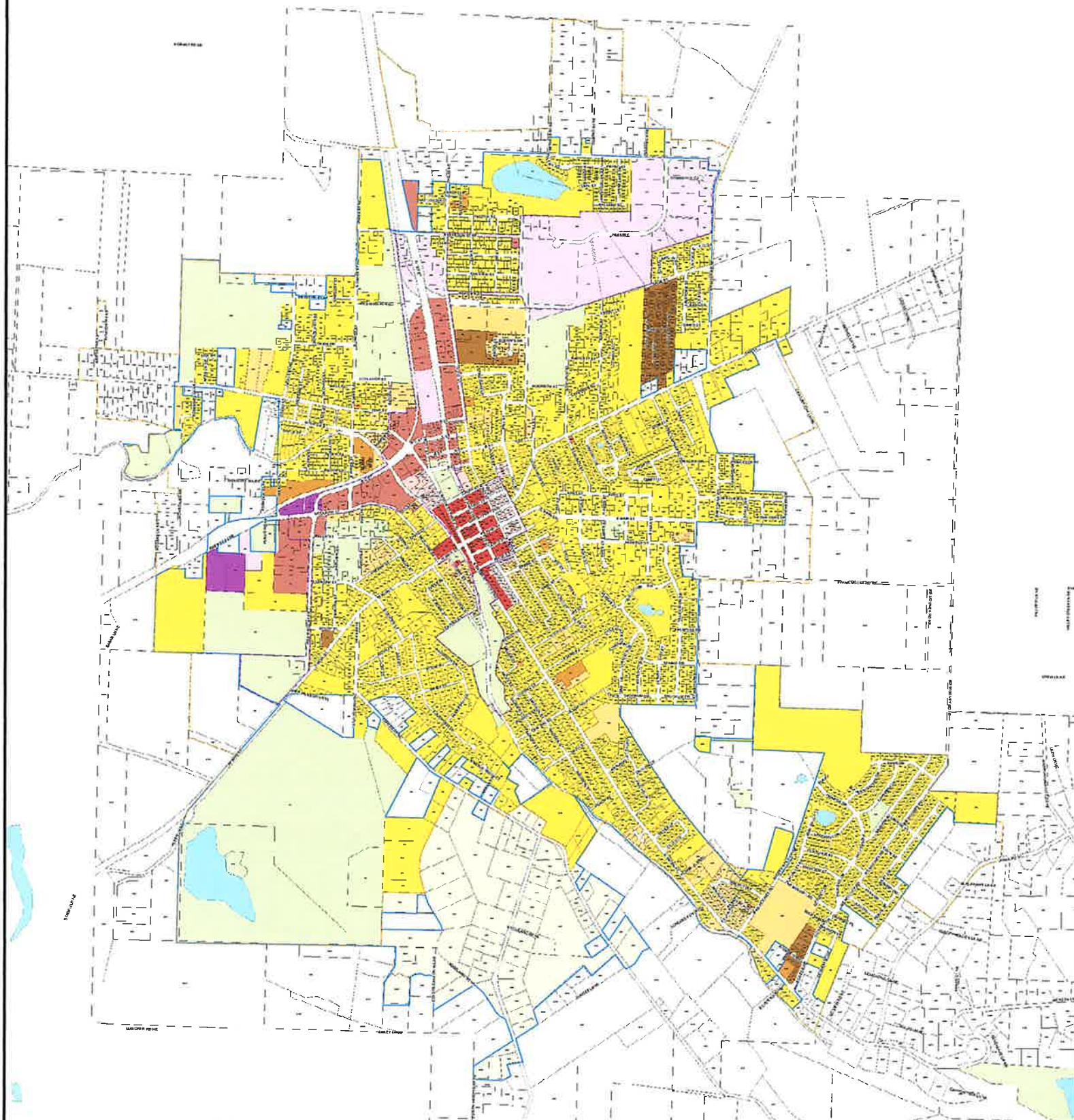
Exhibit D – Articles of Organization

Exhibit E – Marion County Tax Map

Exhibit F – Existing Conditions Plan

Exhibit G – Noticing Labels

# City of Silverton Zoning Map



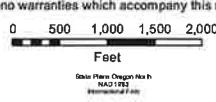
## Legend

	Urban Growth Boundary		AR, Acreage Residential		P, Public
	Silverton City Limits		DC, Downtown Commercial		R-1, Single Family Residential
	Urban Renewal District		DCF, Downtown Commercial Fringe		R-5, Low Density Residential
	Downtown Historic District		GC, General Commercial		RM-10, Multiple Family Residential - 10
	Creek and Streams		IP, Industrial Park		RM-20, Multiple Family Residential - 20
			LI, Light Industrial		

Production Date: November 2021

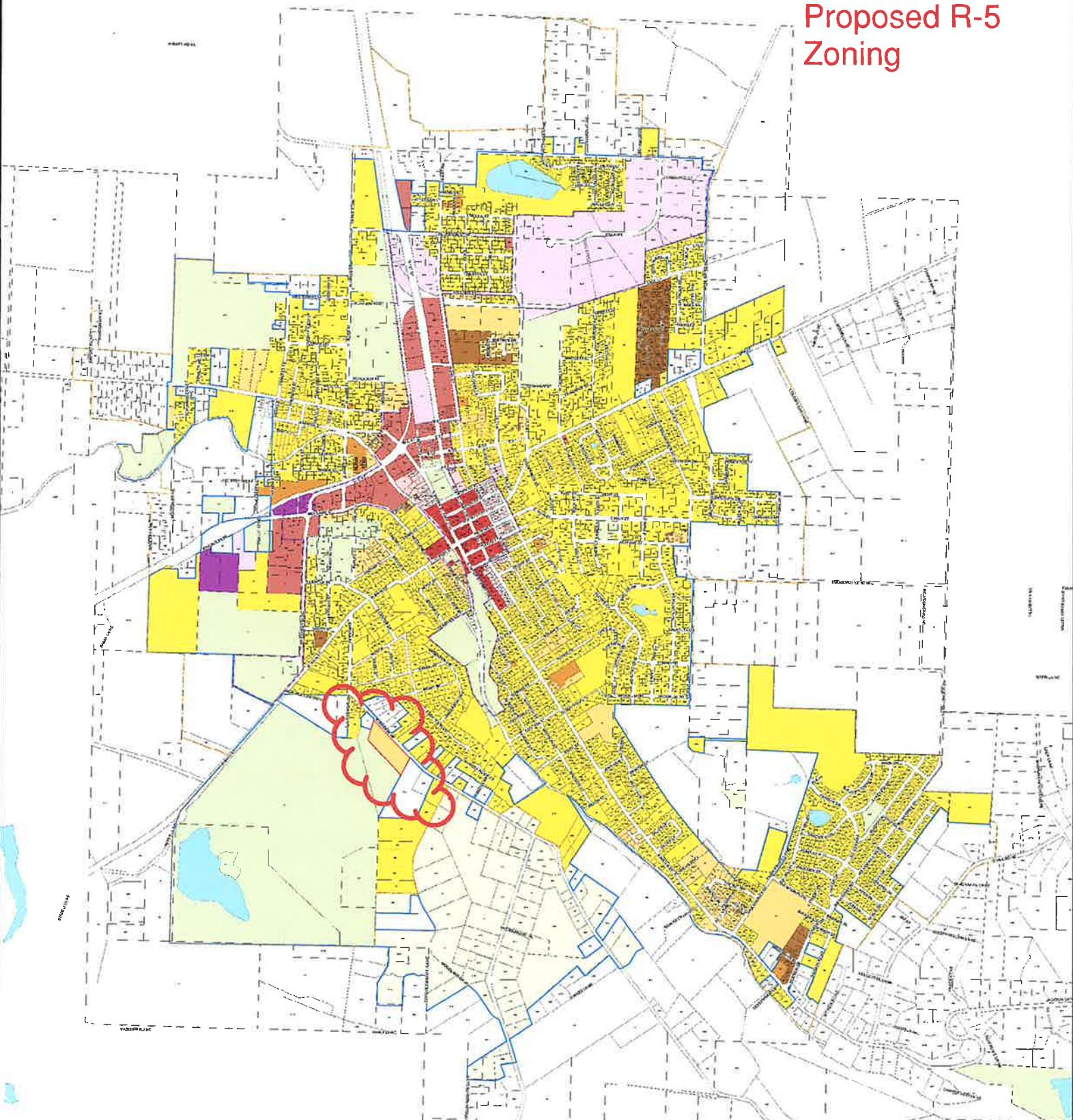
## Disclaimer:

This map was published by the City of Silverton Community Development Department as a general planning tool. Due to the differing quality of source data, the Department cannot accept responsibility for errors or omissions, and therefore, there are no warranties which accompany this material.



# City of Silverton Zoning Map

**Proposed R-5  
Zoning**



## Legend

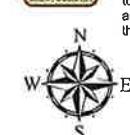
- Urban Growth Boundary
- + Silverton City Limits
- + Urban Renewal District
- Downtown Historic District
- Creek and Streams

- |   |  |
|---|--|
| <span style="color: lightgreen;">□</span> AR, Acreage Residential<br><span style="color: red;">■</span> DC, Downtown Commercial<br><span style="color: pink;">■</span> DCF, Downtown Commercial Fringe<br><span style="color: darkred;">■</span> GC, General Commercial<br><span style="color: lightpink;">■</span> IP, Industrial Park<br><span style="color: purple;">■</span> LI, Light Industrial | <span style="color: lightgreen;">■</span> P, Public<br><span style="color: yellow;">■</span> R-1, Single Family Residential<br><span style="color: yellow;">■</span> R-5, Low Density Residential<br><span style="color: orange;">■</span> RM-10, Multiple Family Residential - 10<br><span style="color: brown;">■</span> RM-20, Multiple Family Residential - 20 |
|---|--|

Production Date: November 2021

## Disclaimer:

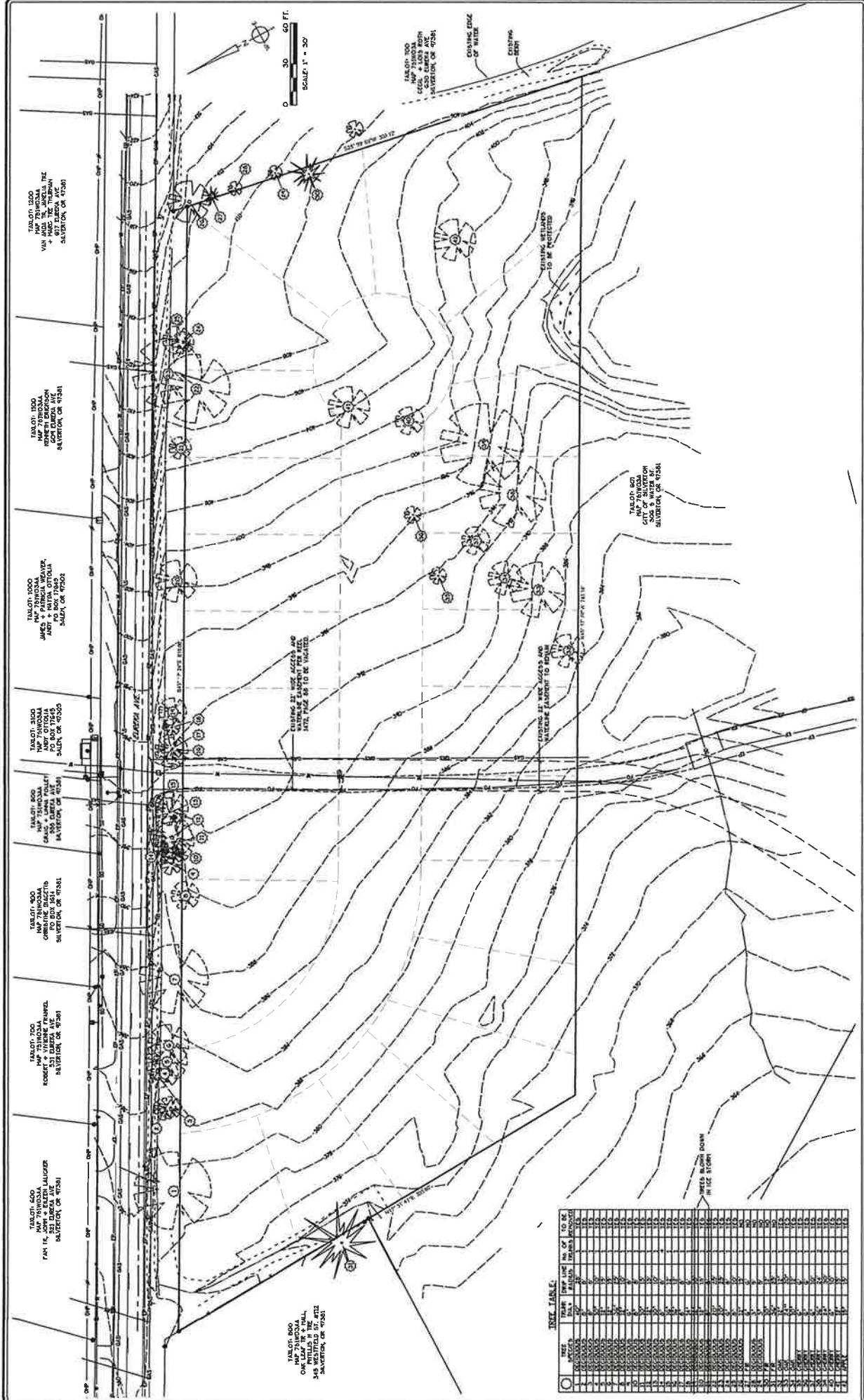
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0 500 1,000 1,500 2,000  
Feet

True North  
NAD 1983  
Horizontal Fid

## Exhibit F – Existing Conditions Plan



EXISTING CONDITIONS

GARDEN GROVE ESTATES



K & D ENGINEERING, INC.

CITY OF SILVERTON, MARION COUNTY, OREGON

**ATTACHMENT C: CONDITIONS OF APPROVAL**

## ATTACHMENT D: STAFF REPORT, ZC-23-01

### I. REVIEW CRITERIA -

#### Zone Change

**4.7.300 Quasi-judicial amendments.** Criteria for Quasi-Judicial Zoning Amendments. The city shall consider the following review criteria and may approve, approve with conditions or deny a quasi-judicial amendment based on the following; if the application for an amendment originates from a party other than the city, the applicant shall bear the burden of proof.

1. Approval of the request is consistent with the statewide planning goals;
2. Approval of the request is consistent with the relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation;
3. The requested designation is consistent with any relevant area plans adopted by the city council;
4. The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city;
5. A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application;
6. The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
7. The amendment conforms to other applicable provisions of this code, such as the transportation planning rule requirements incorporated into SDC 4.7.600.
8. Any amendment involving a change to the city's urban growth boundary shall conform to applicable state planning rules for such amendments.

### II. APPLICABLE STANDARDS

#### A. Silverton Development Code (SDC):

Article 4 – Administration of Land Use Development  
Section 4.1.400 Type III Procedure (Limited Land Use Decision)  
Section – 4.7.300 Quasi-Judicial Amendments

Article 2 – Land Use Districts  
Section 2.2.110 Residential Districts – Allowed Land Uses  
Section 2.2.120 Residential Districts – Development Standards

## **Article 3 – Community Design Standards**

- Section 3.1.200 Vehicle Access and Circulation**
- Section 3.2.200 Landscape Conservation**
- Section 3.4.100 Transportation Standards**
- Section 3.4.300 Sanitary Sewers, Street Lights**
- Section 3.4.400 Storm Drainage and Erosion Control**
- Section 3.4.500 Sidewalks**

### **III. FINDINGS**

#### **A. Background Information:**

1. The applicant submitted a Zone Change Application to change the zoning of 602 Eureka Avenue R-1, Single Family Residential to R-5, Low Density Residential.
  2. The subject property has frontage along Eureka Avenue, a collector roadway under Marion County jurisdiction. The site is zoned R-1, Single Family Residential.
  3. Citizen testimony was received.
  4. Notice was mailed to all property owners and residents within 700' of the site on October 25, 2023. The notice was published in the Statesman Journal on November 1, 2023. The site posted on November 2, 2023.

#### **B. Silverton Development Code:**

## **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 October 6, 2023. A public notice for this request was mailed to all property owners within 700 feet of the site on October 25, 2023. The notice was published in the Statesman Journal on November 1, 2023. The site posted on November 2, 2023. The application will be before the Planning Commission November 14, 2023 and will be before the City Council December 4, 2023.

## Section 4.7.300

## **Quasi-Judicial Amendments**

*Criteria for Quasi-Judicial Zoning Amendments. The city shall consider the following review criteria and may approve, approve with conditions or deny a quasi-judicial amendment based on the following; if the application for an amendment originates from a party other than the city, the applicant shall bear the burden of proof.*

- 1. Approval of the request is consistent with the statewide planning goals;*

**Findings:** The City of Silverton adopted the Comprehensive plan to be consistent with the statewide planning goals and has been acknowledged by the State.

2. Approval of the request is consistent with the relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation;

**Findings:** The applicant submitted an application requesting a Zone Change to change the zoning of 602 Eureka Avenue from R-1, Single Family Residential to R-5, Low Density Residential.

The site has frontage on Eureka Avenue which is a Collector Roadway under Marion County jurisdiction. The site is designated Single Family Residential on the Comprehensive Plan and is zoned R-1, Single Family Residential. As shown on the Zoning Compatibility Matrix, the R-5 zone is a compatible zoning district with the Single Family Comprehensive Plan Designation.

Plan Designation	Compatible Zoning Districts
Industrial	Industrial Park (IP)
	Light Industrial (LI)
	Industrial (I)
Commercial	General Commercial (GC)
	Downtown Commercial (DC)
	Downtown Commercial Fringe (DCF)
Single-Family Residential	Single-Family Residential (R-1)
	Low Density Residential (R-5)
	Acreage Residential (AR)
Multiple-Family Residential	Multiple-Family Residential (RM-10)
	Multiple-Family Residential (RM-20)
Agricultural/Urban Reserve	Single-Family Residential (R-1)
	Low Density Residential (R-5)
	Acreage Residential (AR)

The R-5 Zone requires property to develop at densities ranging from five dwellings per acre to not more than 10 dwellings per acre. The R-1 Zone requires property to develop at densities ranging from 2 to 6 units per acre. The site is 5.15 acres in size, which under the current zoning would allow between 10 and 31 units to be developed on the site. Previous site approval for a 21 lot subdivision could result in 42 dwellings on site per HB 2001 as each lot could develop as a duplex. The known development capacity of the site is 42 dwellings which is above the stated max density in the Silverton Development Code and is allowed by HB 2001. The zone change would allow the site to develop between 26 and 52 units. The zone change effectively allows the site to develop 10 additional dwelling units over the R-1 development capacity. The zone change would be in compliance with the comprehensive plan designation as shown in the above table.

The goal of the Urbanization element of the Comprehensive Plan (Comp Plan) is to “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.” A Policy of the Urbanization element indicates that multiple family development will be encouraged, especially in but not limited to, areas close to the central business district, or within walking distance of neighborhood commercial area, or in areas designated for mixed use. It is also desired that multiple family development should be

scattered around the community and not concentrated within any one particular area. Small developments which fit in the existing neighborhood are preferred. The site is located approximately 3,500' from the central business district. The Planning Commission found that the area is not close to the central business district and is not connected to business district with a sidewalk system. The Planning Commission found the development would not fit in the existing neighborhood due to the larger than average lot size found in the neighborhood where a more dense development would not fit with the character of the existing neighborhood.

The City adopted a Housing Needs Analysis (HNA) as a support document to the Comprehensive Plan which found that Silverton has an existing deficit of housing affordable for low-income households, which indicates a need for a wider range of housing types for renters and homeowners. About 30% of Silverton's households are cost burdened (paying more than 30% of their income on housing), including a cost-burden rate of 46% for renter households.

Silverton is planning for continued growth in single-family detached housing but more growth in single-family attached and multifamily dwelling units is needed to meet the City's housing needs. The factors driving the shift in types of housing needed in Silverton include changes in demographics and decreases in housing affordability. The aging of Baby Boomers and the household formation of Millennials will drive demand for renter and owner-occupied housing, such as single-family detached housing, townhouses, duplexes, triplexes, quadplexes, and apartments. Both groups may prefer housing in walkable neighborhoods, with access to services.

Diversification of housing types can help reduce the lack of affordable housing, especially for middle-income households. About 442 new households will have incomes between \$34,700 and \$83,280. These households will all need access to affordable housing, such as the housing types described above.

The Housing Element of the Comprehensive lists policies to 'Encourage opportunities which will provide affordable housing to meet the needs of low income, elderly, handicapped, families, and individuals within the Silverton area', 'Provide opportunities for the development of attached and detached single-family and multi-family dwellings such as duplexes, row houses, and town house apartments', and 'Allow accessory dwelling units, subject to city development and building regulations, in all residential zones'.

The City Council has adopted goals to 'develop the Housing Strategy Implementation Plan' and 'further develop and implement strategies for affordable housing'.

The requested designation for the site has been evaluated by the Planning Commission against relevant comprehensive plan policies and on balance could be found to be less supportive of the comprehensive plan as a whole than the old designation. The Planning Commission found that the area the site is located in is predominantly larger lots with lower than typical urban densities and a higher density development would not be more supportive, nor would it be consistent with the map pattern due to the larger than expected difference in density which would constitute an unacceptable negative impact.

- 3. The requested designation is consistent with any relevant area plans adopted by the city council;*

**Findings:** The 2008 Parks Master Plan identifies a connector route dissecting the subject property connecting The Oregon Garden to Pettit property/downtown.

The 2021 Water Master Plan calls for a new connection to the Anderson PRV zone in front of the property. Applicant notes that the zone change doesn't impact the cities ability to undertake the project.

- 4. The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city;*

**Findings:** The zoning is consistent with the comprehensive plan map designation. The area has Public use to the south and the remaining area is single family residential. The potential negative impact on the area resulting from the change would be an increase in traffic based on increase in density of 10 dwelling units for the site over the existing zoning.

Though, according to the Institute of Transportation Engineers Trip Generation Manual, a duplex is estimated as adding 2 p.m. peak hour trips (PMPHT) to the transportation system, a single family dwelling is estimated as adding 1 PMPHT, and an apartment is estimated as adding .62 PMPHT. Using these estimates, the previous 21 lot single family subdivision, if developed with all single family dwellings, would add 21 PMPHT trips to the transportation system. If the 21 lot subdivision were developed entirely as duplexes as allowed per HB 2001, 42 PMPHT would be added to the transportation system. If the site were to develop as a 51 unit multifamily development, 31 PMPHT would be added to the transportation system.

The Planning Commission found that the area the site is located in is predominantly larger lots with lower than typical urban densities and a higher density development would not be more supportive, nor would it be consistent with the map pattern due to the larger than expected difference in density which would constitute an unacceptable negative impact.

- 5. A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application;*

**Findings:** The following is an analysis of the remaining properties zoned for multi-family development.

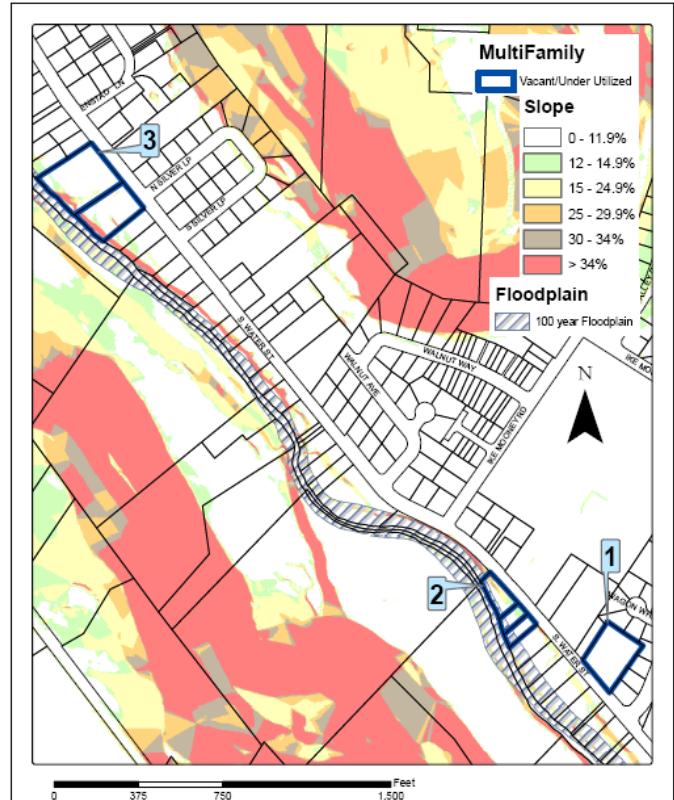
## **2. South Water Street Creekside Area** **1306-1318 S Water**

Three properties zoned R-5 with a combined area of 32,701 sq ft (15,338; 8,300 and 9,063 sq ft) with a gross density range of 3.75-7.5 units.

The southern two properties have constructed a single family dwelling on the parcel. 1 dwelling unit each

30% of the northern property is in the floodplain. The Riparian Corridor Boundary appears to follow the Flood Plain Boundary.

Approximate 3,300 sq ft building envelope. Approximately 1 dwelling unit



#### **4. 407 S First St**

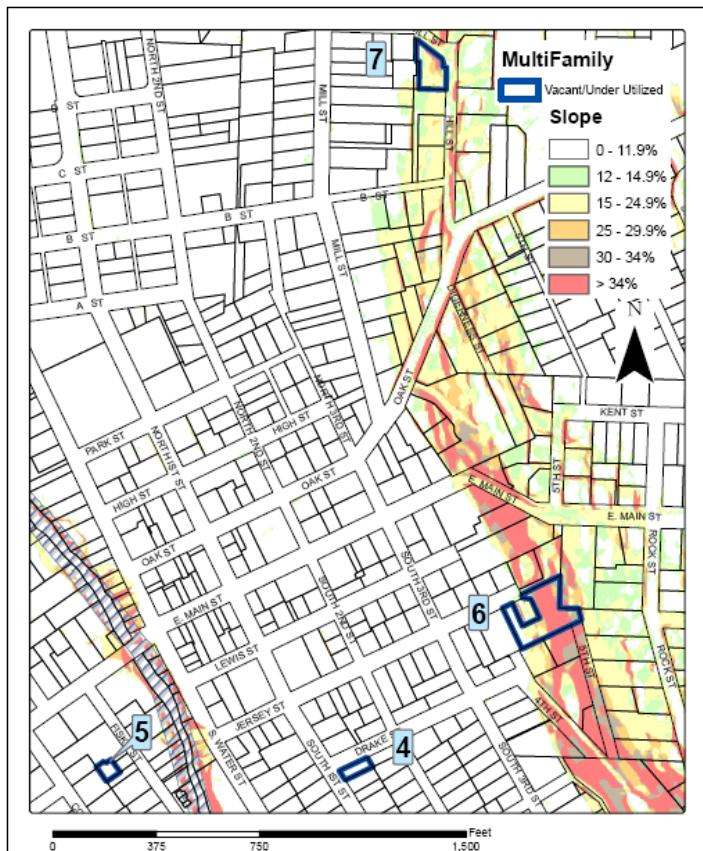
4,471 sq ft. Small flat property, development of a single family dwelling possible

#### **5. 122 Fiske Street**

3,670 square foot property behind church parking lot will need frontage onto a public street or access easement. One dwelling likely.

#### **7. Hill Street**

13,779 square feet. The site is significantly impacted by hillside. Less than 800 square feet of area under 12% slope with the majority of the site in the 15-25% range, 1 dwelling likely.



#### **8. 623 McClaine Street**

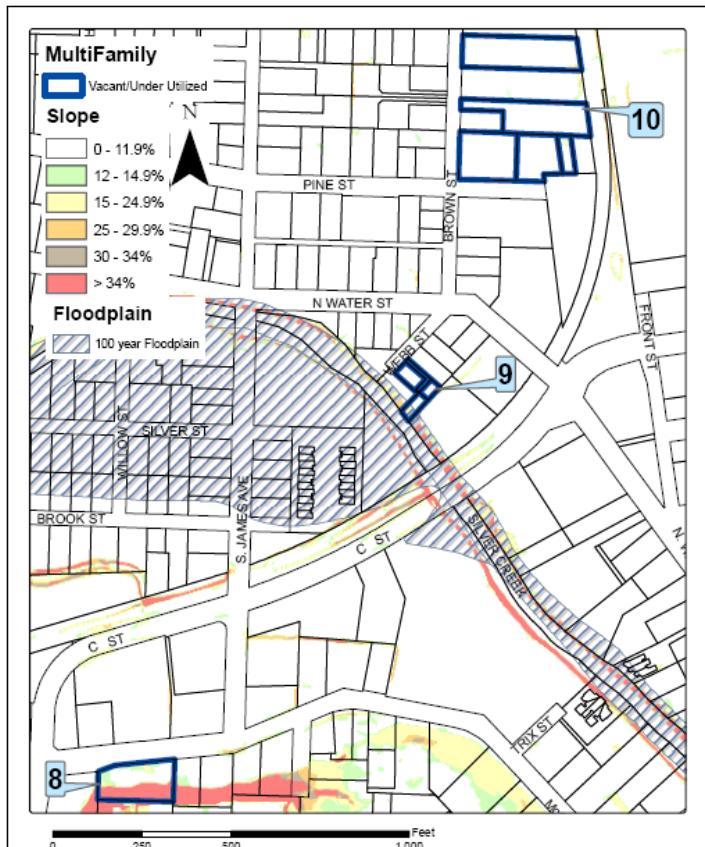
21,976 square feet heavily impacted by steep slopes. Approximate 7,000 sq ft building envelope.  
2-4 dwelling units

#### **9. Webb Street**

Three developable properties range in size from 1,665 to 3,336 square feet.  
3-4 dwelling possible,

#### **10. Brown Street**

The area contains four properties totaling 65,806 square feet. Area lacks adequate storm drainage system. Storm drainage improvements would have to be installed south to Webb Street prior to development. No other constraints exist on the site. Northern property currently being used as a



school parking lot. 8-15 dwelling units. A three lot partition has received tentative approval for the site.

The range of possible dwelling units for the vacant multi-family properties in the City Limits is 17-27 dwelling units. It should be noted that there are currently zero vacant properties zoned RM-20, Multi-Family High Density.

Silverton's 654 acres of buildable land in the UGB has the capacity to accommodate 2,320 new dwelling units. While Silverton's forecast for demand is for 1,158 new dwelling units, Silverton has a deficit of capacity for 304 dwelling units in the Multifamily plan designation (over the 2020 to 2040 period). The following summarizes Silverton's land sufficiency results by plan designation:

- **Single-Family:** Silverton has a surplus of capacity for about 1,409 dwelling units, or 381 gross acres of land to accommodate growth.
- **Multifamily:** Silverton has a deficit of capacity for about 304 dwelling units, or 17 gross acres of land to accommodate growth.

Silverton has a deficit of land for 304 dwelling units in the Multifamily plan designation (about 17 gross acres). Currently, Silverton's available land in its Multifamily plan designation is zoned at densities consistent with the Single-Family plan designation which cannot accommodate most multifamily housing types. Addressing this deficit is key to meeting Silverton's housing needs over the 20-year period.

Since the HNA, 97 units of multifamily housing have been approved but has yet to be built. 4 units have been built.

The Planning Commission found that the public need identified by the 2020 Housing Needs Analysis is an additional 304 units over the next 20 years, or 15 per year, where 97 multifamily units have been approved in the 3 years since the HNA adoption, thereby it is not critical that this property be zoned to R-5 to potentially meet the need.

6. *The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*

**Findings:** The site is adjacent to the City water and storm sewer systems and is located approximately 165' from sanitary sewer. There is a 12" water main on the mid-level zone running north from the PRV station that ends along the frontage of the site. It is feasible to run a 8" line from the end of this 12" across Eureka to supply water to a potential development. This will allow the services to be put in without individual Pressure Reducing Valves. To provide sufficient fire flow it would be feasible to come off the cross on the line running to the Oregon Garden and run 8" lines north and south to any hydrants needed. The transportation network is currently in place.

The Planning Commission found that the area does not currently have adequate pedestrian transportation networks within the area due to a lack of a sidewalk connection from the site

to the existing sidewalk network 730 feet away on the eastern side of Eureka Avenue. The pedestrian transportation network along Eureka Avenue is not planned to be provided in the planning period. The sidewalk project to connect the area to the transportation network is listed as an Aspirational Project in the City's Transportation System Master Plan, which are identified as transportation investments that are not reasonably expected to be funded by 2040.

7. *The amendment conforms to other applicable provisions of this code, such as the transportation planning rule requirements incorporated into SDC 4.7.600.*

**Findings:** The transportation planning rule is not applicable.

8. *Any amendment involving a change to the city's urban growth boundary shall conform to applicable state planning rules for such amendments.*

**Findings:** The request does not involve a change to the Urban Growth Boundary.

## **Article 2 – Land Use Districts**

### **Section 2.2.110**

### **Residential Districts – Allowed Land Uses**

**Findings:** The site is requesting to be zoned R-5, Low Density Residential. If the if were rezoned, in addition to the single family homes, duplexes, and accessory dwelling units allowed in the R-1 zone, single family attached, cottage clusters, and multi-family (3 or more dwellings on a lot) would be allowed if zoned R-5, within the 5 to 10 unit per acre ranged. A subsequent land use application would have to be submitted in order to develop the allowed uses of the site.

### **Section 2.2.120**

### **Residential Districts – Development Standards**

**Findings:** The maximum density for the R-5 zone is 10 dwelling units per acre. The site is 5.15 acres in size which allows a maximum density of 52 dwelling units for the site. The lot size allowed for single family homes in the R-5 zone is 5,000 square feet versus the 7,000 square feet for R-1 lots.

## **Article 3 – Community Design Standards**

### **Section 3.1.200**

### **Vehicular Access and Circulation**

*This Section implements the access management policies of the City of Silverton Transportation System Plan. The intent of this Section is to manage vehicular access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system.*

**Findings:** The site has frontage on Eureka Avenue which is a Collector Roadway under Marion County jurisdiction. As part of any future development, an Access Permit would required from Marion County for access to Eureka Avenue which would likely preclude or limit direct driveway access to Eureka.

A 22 foot wide access and utility easement traverses the site from Eureka Avenue to the Oregon Garden. The easement would have to be maintained in any future development application.

In accordance with SMC 13.70.110 any development would be subject to Transportation SDC charges.

### **Section 3.2.200**

### **Landscape Conservation**

*Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the city may allow removal of significant vegetation from the building envelope as defined by required yard setbacks.*

**Findings:** Significant vegetation exists on the site. Any development plan would have to incorporate the landscape conservation standards as well as the protection standards for any Oak tree greater than 30" located on the subject site.

### **Section 3.4.100**

### **Transportation Standards**

**Findings:** The site is 5.15 acres and was previously approved for a 21 lot subdivision which could result in 42 dwellings on site per HB 2001. The zone change would permit a maximum of 10 units per acre allowing 52 dwellings total, a net increase of 10 units from the R-1 zone. According to the Institute of Transportation Engineers Trip Generation Manual, a duplex is estimated as adding 2 p.m. peak hour trips (PMPHT) to the transportation system, a single family dwelling is estimated as adding 1 PMPHT, and an apartment is estimated as adding .62 PMPHT. Using these estimates, the previous 21 lot single family subdivision, if developed with all single family dwellings, would add 21 PMPHT trips to the transportation system. If the 21 lot subdivision were developed entirely as duplexes as allowed per HB 2001, 42 PMPHT would be added to the transportation system. If the site were to develop as a 51 unit multifamily development, 31 PMPHT would be added to the transportation system.

### **Section 3.4.200**

### **Public use (park) areas.**

**Findings:** The park land dedication section of the code allows the City to require park land dedication that is proportionate in impact to the proposed development consistent with the Park & Recreation Master Plan. The Parks & Rec Master Plan does not recommend any additional Pocket Parks, which are small parks typically less than 2 acres in size. The smallest park type the Master Plan recommends is a neighborhood park, which is typically 3-30 acres in size. It is estimated that the park land dedication of the subdivision, should the City go that route, would be about 0.8 acres in size at the cost of the City collecting Parks System Development Charges from the development. Since the Parks & Rec Master Plan does not recommend acquiring additional land for pocket parks, the City is inclined to accept the Parks System Development Charges from the development. All new dwellings will have to pay all applicable Parks and Recreation System Development Charges.

### **Section 3.4.300**

### **Sanitary Sewers, Water, Street Lights and Fire Protection.**

*Sanitary sewer system and water system improvements shall be installed with new development in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and Public Works Design Standards. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except where the Public Works Director finds that future extension is not practical due to topography or other constraints.*

*Development permits for sewer and water system improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards.*

**Findings:** Sanitary sewer exists approximately 165' Northwest of the site and has adequate size to serve development capacity of a zone change. A water main is located at Eureka Avenue and available to the site. Any new development will have to pay all applicable SDC fees during the building permit process. Any development would have to meet all applicable fire code regulations.

#### **Section 3.4.400**

#### **Storm Drainage and Erosion Control**

**Findings:** A storm drainage and erosion control plan meeting Public Works Design Standards will be required prior to issuance of a development permit.

There is downstream capacity and an approved point of discharge. Any future development would be required to detain on site per public works standards.

In accordance with SMC 13.70.110 any new dwellings will be required to pay a stormwater SDC charge at the time when a building permit is issued.

#### **Section 3.4.500**

#### **Sidewalks**

*Sidewalks shall be constructed on all public streets in the City by the owners of property next adjacent thereto.*

**Findings:** Full urban frontage improvements would likely be conditioned upon a development application, including sidewalks.

### **IV. SUMMARY AND CONCLUSION**

Findings have been made for all of the applicable Code sections.

The Planning Commission held a public hearing to evaluate the proposed zone change and recommends the City Council deny the application as it does not meet all the review criteria.

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

The Planning Commission finds the application, as presented, does not meet the applicable City codes and requirements and recommends the Council deny the application.

**City Council Options:**

The City Council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to the application, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;
- b. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation; and
- c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

## ATTACHMENT E: TESTIMONY

City of Silverton  
306 S Water Street  
Silverton, OR 97381

Re: File No.: ZC-23-01

To Whom It May Concern:

I would like to express my deep concerns about the proposed development at 602 Eureka Avenue.

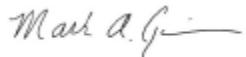
The Oregon Garden Resort is surely the most valuable asset of the City of Silverton. Available for all Oregonians and tourists alike, it is a peaceful, spacious, and beautiful place, hosting over 50,000 guests per year. From the moment one enters the welcoming gate on Cascade Highway, one is surrounded by the natural beauty of the Garden. The driveway meanders past towering oaks through ponds, undergrowth, and botanical wonders as it winds past the Gordon House and the Schmidt Pavilion. It is clear from that moment that you are entering a Garden.

Imagine, then making the last right turn past the Pavilion, and laying your eyes on twenty two houses crammed onto what used to be a wild wetland, feeding the ponds below by a stream during the winter months that is sometimes too deep and fast to cross. Even in summer there is water moving below ground, as that rather narrow ‘crevasse’ is the only way out of the little valley above.

There is also no fence high enough to hide that ugly vision from visitors to the Garden, since the driveway itself is much higher in elevation. So. sprawled out in front of you are 42 homes crammed onto tiny wedge-shaped lots with 2-3 SUVs parked in each of the tiny drive-ways – forced by the proposed density of the development.

The proposed subdivision would absolutely obliterate the entrance to the Oregon Garden. I urge you to vote down this horrible plan, and send the developers packing. If they wish to come back with a plan for 3, 4, or even 5 homes on that property including a plan to safely move that water through to the lower ponds... so be it. But please, do not allow them to cram so many doghouses on that very important greenspace. Once done, it cannot be undone. Please vote no on this badly planned development.

Best regards,



DR. MARK A. GUMMIN  
540 EDGEWOOD DRIVE  
SILVERTON, OR 97381

BURT CONWAY  
435 EUREKA

NOTICE OF PUBLIC HEARING  
FILE NO. ZC-23-01

I AM OPPOSED TO ANY ZONE CHANGE  
FROM R-1 SINGLE FAMILY RESIDENTIAL!  
I FEEL THAT THE EXISTING R-1  
WITH CAPACITY OF 42 DWELLING  
UNITS WILL WORK. THE TRAFFIC  
AND THE SPEED ON EUREKA IS  
A PROBLEM NOW.

THANK YOU

Burt Conway

11-1-23

11/7/2023

City of Silverton  
306 South Water St  
Silverton, OR 97381

Ref: Map 071W03a 600  
File No. ZC-23-01  
Zone Change: 602 Eureka Avenue Silverton Or

To Whom It May Concern:

I do not believe the zone change should be allowed. Is this what we want to do with Eureka?

- 1) Eureka Roadway is currently restricted and higher densities need to be planned.
- 2) Tourist appeal and development garden synergies are negative.
- 3) The Long-Term Plan has been: not to increase the densities on Eureka.
- 4) Septic Sewer Loads (not hooked to the city) and Wells are at max.
- 5) Other sites offer alternative responses to the public need.
- 6) The Zone change will affect the plan for the Emergency Access Roadway to the Oregon Garden.
- 7) Increasing density near Waste Water Operations may not be the best valid land use goal.

Sincerely yours,



Gerald Milliron  
440 Edgewood Drive  
Silverton, OR 97381

Written comment re: 602 Eureka Avenue Notice of Public Hearing, ZC-23-01

Thank you for your time to discuss the 602 Eureka Avenue development.

To recap our discussion and our understanding, we contacted you to inquire about the storm water management plan for the above-named development. Our concerns stem from the location of our property in proximity to development of the Eureka location.

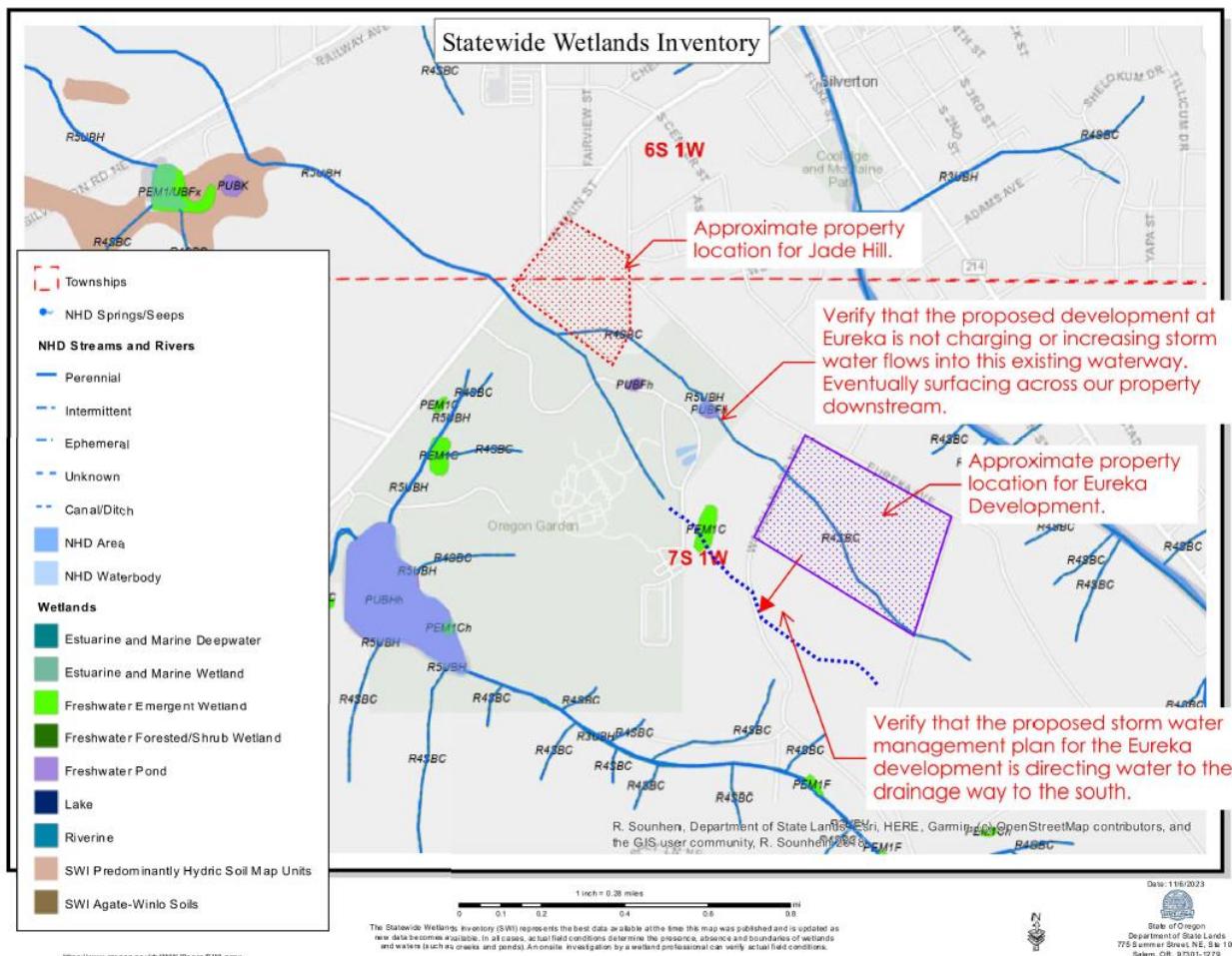
We have pulled maps to indicate the potential for storm water flow and want to assure that the approved plans direct water away from our property. We are not opposed to the development, but rather want confirmation that the builder intends to route storm water drainage away toward the south drainage path from the development.

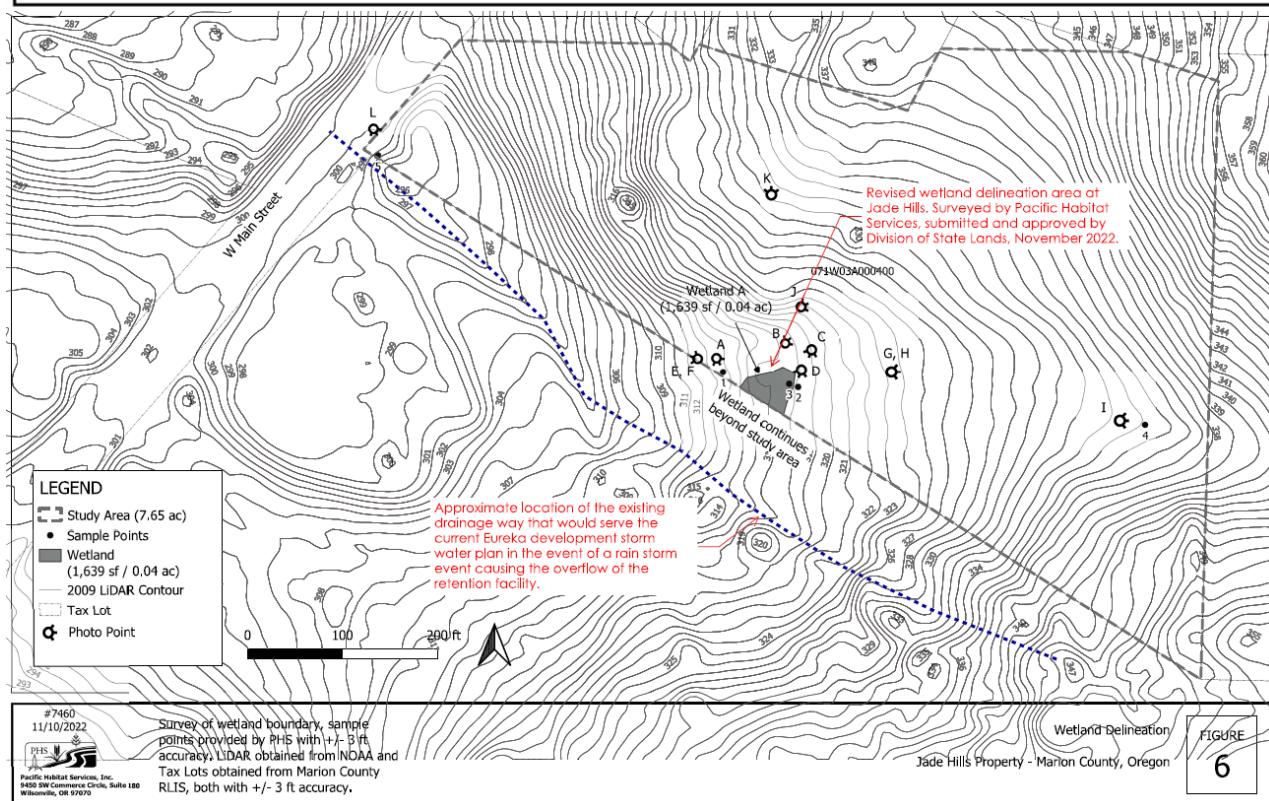
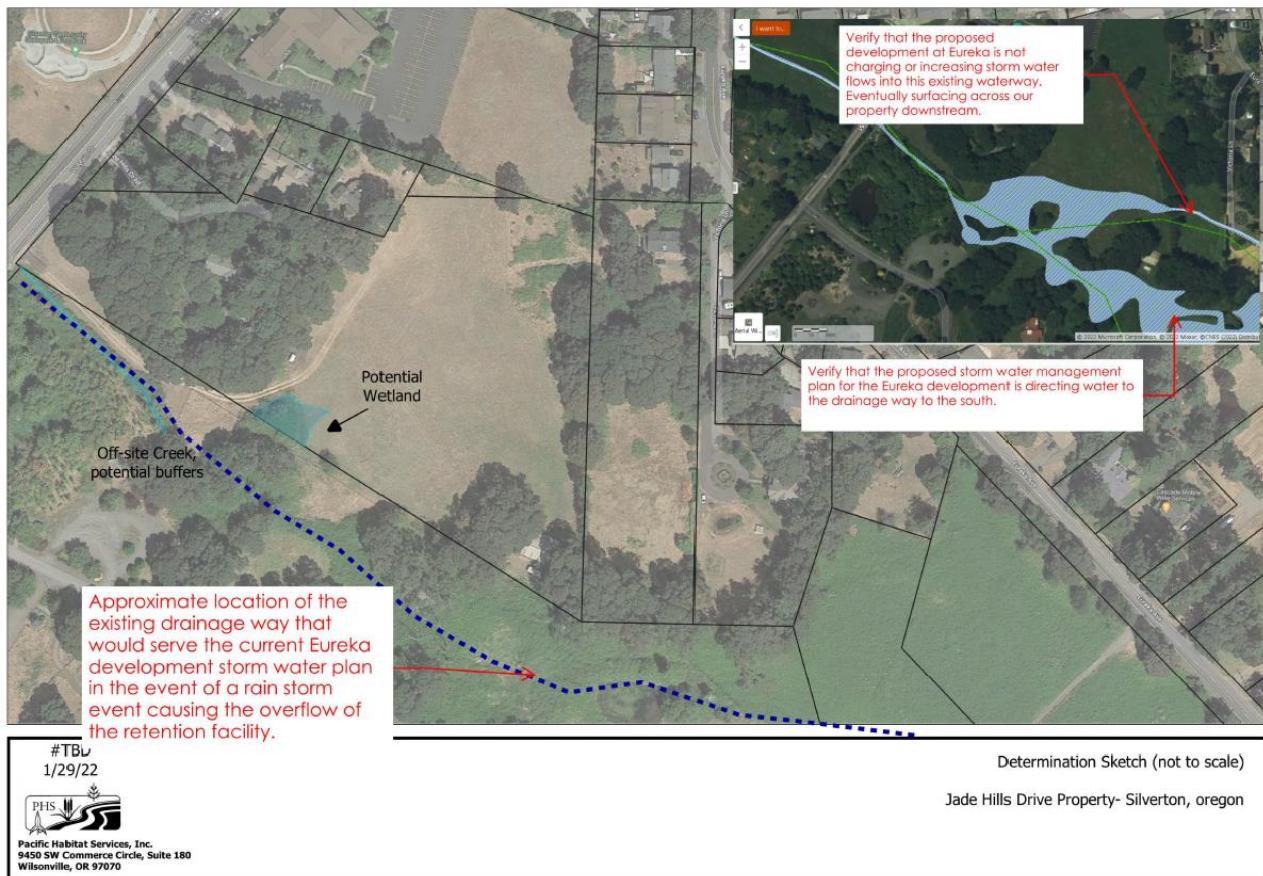
Please see the attached maps indicating drainage pathways.

Additionally, we are requesting to receive a PDF of the approved development plans for 602 Eureka Avenue.

Thank you very much,

Jade Hills LLC  
Dean & Lauren Christensen





Date: November 13, 2023

To: Silverton Planning Commission

Subject: **November 14, 2023, Planning Commission Agenda Item 4.2,  
File Number ZC-23-01; Zoning change for Garden Grove Estates**

Dear Planning Commissioners:

I object to the proposed zoning change for File No. ZC-23-01, from R-1 to R-5, based on the review criteria of SDC § 4.7.300B(4): "The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city."

The city has not considered the large public wetlands bordering the property. And the city has not considered the substantial volumes of water—from areas higher in elevation from the south and east—that flow across the property into the wetlands area.

By permitting more housing construction, the zoning change not only increases the potential for negative impacts in the wetlands area, but also increases the potential that the existing water flow across the property toward the wetlands will change in unexpected and negative ways.

According to SDC § 4.7.300, the applicant bears the burden of proof for review under SDC § 4.7.300B(4). The applicant must show that the zoning change will not have any negative impacts on the wetlands area. Yet the applicant states only that "[a] small area of the subject site is encumbered by a wetland," and does not describe the full extent of the wetlands area along the entire western edge of the property. Additionally, the staff report mentions only traffic impacts under this review criteria.

In compliance with SDC § 4.7.300B(4) and SDC § 2.7 and before it grants approval for the zoning change, the city should consider the potential negative environmental impacts of higher density building in this area, and the Planning Commission should recommend that the city condition the proposed zoning change on this issue.



Marc van Anda  
617 Eureka Ave.  
Silverton, OR 97381

Jason Gottgetreu

Community Development Director

City of Silverton, OR

We are concerned the proposed “602 Eureka” development will negatively impact our property and seek certainty that existing drainage dynamics are not altered by the development. We live at 420 Victoria Lane, directly west and downslope of the proposed development. Our property includes designated wetland areas and a wetland channel. Part of the criteria for adoption of the proposed zoning change requires that the “negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city.”

When the 602 Eureka property was first discussed for development several years ago, we spoke with the applicant’s representative about concerns about any change in the amount, timing or contaminant load of water run-off from the development. We also spoke with you, Jason, about this. We were told the development would have to address and comply with standards, and that a study of the geology and hydrology would be part of that assessment.

We are particularly vulnerable because our home and property are directly downslope of the proposed development. We have already mitigated for winter waterflows as best we can (French drains, water passage through our crawlspace). We are also very alarmed about potential impacts of the development and its drainage management on our 450 year old Oregon white oak that is adjacent to the wetland channel. Arborists claim this single-trunk matriarch has the largest girth known for the species. We know these trees do not respond well to changes, whether it is changes in the amount or timing of surface or subsurface water flows, or soil compaction. For such mighty trees, they are very sensitive to changes in their environment. During our two decades here, we have taken care to protect this tree (e.g., not irrigating around it during summer months, having arborist check-ins, and branch/bough removal when needed). We can see what happened to a grove of Oregon white oak on the Oregon Garden property when drainage patterns changed and fear this could be the same fate for our tree if the amount or type of additional stormwater flow changes or if it includes contaminants.

If approval of this development occurs, we are simply asking that we have proof that there will not be any changes to the patterns, amount and contaminant load of surface and subsurface drainage onto our property, and that the city and developer plan for positive outcomes for us and our down-channel neighbors.

Thank you for consideration of this request. We copied City Councilors but were unable to find email addresses for the Planning Commission, so please ensure they are all forwarded a copy. Thanks.

Sincerely,

Julie and Ed Bowles (503-689-7351)

420 Victoria Lane, PO Box 1224

Silverton, OR

11-14-23

City of Silverton

Re: Application to Change zoning  
of 1002 Eureka Avenue

Dear Planning Commission:

I would like to voice my concern about changing the zoning of this property. I feel this would negatively affect the value of my property. Our neighborhood is open & inviting. If you change the zoning, this would allow a subdivision to be developed w/ houses built right next to each other like sardines. Which is not inviting!

Please do not approve the application for rezoning

Thank you

Geri Ramoay  
Keene Ave.

**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	<b>Agenda Item No.:</b>	<b>Topic:</b>
	6.2	Ordinance No. 23-06 - Consider a request to annex 827 Railway Avenue into the City Limits and zone the property GC, General Commercial.
	<b>Agenda Type:</b>	Public Hearing
	<b>Meeting Date:</b>	December 4, 2023
	<b>Prepared by:</b>	<b>Reviewed by:</b>
Jason Gottgetreu	Cory Misley	<b>Approved by:</b> Cory Misley

**Recommendation:**

Adopt Ordinance No. 23-06, annexing 1.48 acres of land located at 827 Railway Avenue into the City limits and zoning the property GC, General Commercial. The Planning Commission recommends the City Council approve the annexation request.

**Background:**

The applicant submitted an application on September 19, 2023, to annex 827 Railway Avenue into the City limits and zoning the property GC, General Commercial. The total area of the annexation request is 1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to the City water system and sewer system.

Budget Impact	Fiscal Year	Funding Source
None	2023-2024	N/A

**Attachments:**

1. AN-23-01 Staff Report
2. November 14, 2023, Draft Planning Commission Minutes
3. PC Resolution No. 23-06
4. City Council Ordinance No. 23-06



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

## CC STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-23-01

LAND USE DISTRICT:  
IC, INDUSTRIAL COMMERCIAL

PROPERTY DESCRIPTION:  
ASSESSOR MAP#: 061W34CA  
LOTS #: 00700  
SITE SIZE: 1.48 ACRES  
ADDRESS: 827 RAILWAY AVE. NE

APPLICANT:  
RAILWAY INVESTMENTS LLC  
827 RAILWAY AVENUE NE  
SILVERTON, OR 97381

APPLICANT'S REPRESENTATIVE:  
CASCADIA PLANNING & DEV. SERVICES  
PO BOX 1920  
SILVERTON, OR 97381

OWNER:  
RAILWAY INVESTMENTS LLC  
827 RAILWAY AVENUE NE  
SILVERTON, OR 97381

LOCATION: ON THE SOUTH SIDE OF RAILWAY AVE.

**PROPOSED DEVELOPMENT ACTION:** ANNEXATION APPLICATION TO ANNEX 827 RAILWAY AVE NE INTO THE CITY LIMITS AND ZONE THE PROPERTY GC, GENERAL COMMERCIAL. THE TOTAL AREA OF THE ANNEXATION REQUEST IS 1.48 ACRES. THE PURPOSE OF THE ANNEXATION IS TO ALLOW THE EXISTING BUILDING AND A FUTURE BUILDING TO BE ABLE TO CONNECT TO THE CITY SEWER AND WATER SYSTEM.

DATE: NOVEMBER 22, 2023

- Attachments
- A. Vicinity Map and Review Criteria
  - B. Applicant's Narrative
  - C. Staff Report
  - D. Testimony

## ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

### Case File: AN-23-01

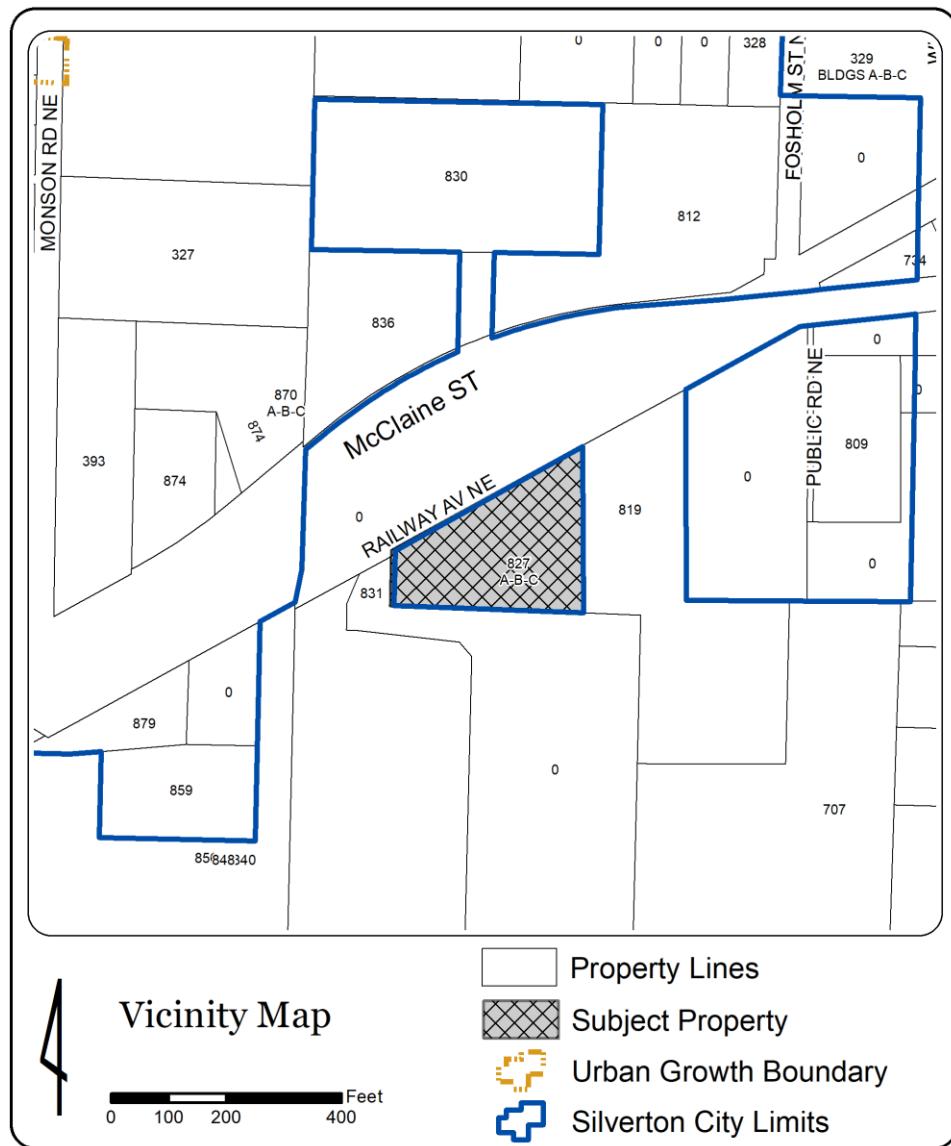
Vicinity Map and Surrounding Land Use Districts

North – UT-5 (Urban Transition)

East – IP (Industrial Park)

South – LI (Light Industrial)

West – LI (Light Industrial)



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

- A. Adequacy of access to the site; and
- B. Conformity of the proposal with the city's comprehensive plan; and
- C. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extension 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
- D. 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
- E. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
- F. 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
- G. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
- H. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and
- I. Shall be in compliance with applicable sections of ORS Chapter 222; and
- J. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed; and
- K. 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
- L. 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.
- M. If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and
- N. Promotes the timely, orderly and economic provision of public facilities and services; and
- O. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

**ATTACHMENT B: APPLICANT'S NARRATIVE**



PO Box 1920, Silverton, OR 97381  
www.cascadiapd.com / 503-804-1089

**CITY OF SILVERTON  
APPLICATION FOR  
LAND USE REVIEW**

**RAILWAY INVESTMENTS  
ANNEXATION**

Location: 827 Railway Avenue NE  
Silverton, OR 97381  
Tax Lot 700 of  
Tax Map 61W34CA in  
Marion County, Oregon

Prepared by: Steve Kay, AICP  
Mason McGonagall, PhD Arch

Prepared for: Railway Investments, LLC  
827 Railway Ave NE  
Silverton, OR 97381

August 25, 2023

## APPLICANT'S STATEMENT

**PROJECT NAME:** Railway Investments Annexation

**REQUEST:** Annexation with Automatic Zoning Map  
Amendment to GC (General Commercial)

**LEGAL DESCRIPTION:** Tax Lot 700  
Tax Map 61W34CA  
Marion County, Oregon

**APPLICANT'S REPRESENTATIVE:** Steve Kay, AICP  
Cascadia Planning + Development Services  
P.O. Box 1920  
Silverton, OR 97381  
503-804-1089  
[steve@cascadiapd.com](mailto:steve@cascadiapd.com)

**APPLICANT/OWNER:** Railway Investments, LLC  
827 Railway Ave NE  
Silverton, OR 97381

**PROPERTY SIZE:** 1.46 acres +/-

**LOCATION:** 827 Railway Avenue NE  
Silverton, OR 97381

## **I. APPLICABLE REGULATIONS**

### **A. Silverton Development Code:**

**Article 2: Land Use (Zoning) Districts**  
**Chapter 2.3: Commercial Districts**  
**Article 4: Administration of Land Use and Development**  
**Chapter 4.10: Annexations**

### **B. Silverton Comprehensive Plan**

**Urbanization Element**  
**Agricultural Lands Element**  
**Open Space, Natural and Cultural Resources Element**  
**Air, Water, and Land Resources Quality Element**  
**Natural Hazards Element**  
**Housing Element**  
**Economy Element**  
**Transportation Element**  
**Energy Element**  
**Public Facilities and Services Element**  
**Citizen Involvement Element**

### **C. Statewide Planning Goals**

**Goal 1: Citizen Involvement**  
**Goal 2: Land Use Planning**  
**Goal 3: Agricultural Lands**  
**Goal 4: Forest Lands**  
**Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**  
**Goal 6: Air, Water and Land Resource Quality**  
**Goal 7: Areas Subject to Natural Disasters or Hazards**  
**Goal 8: Recreational Needs**  
**Goal 9: Economic Development**  
**Goal 10: Housing**  
**Goal 11: Public Facilities**  
**Goal 12: Transportation**  
**Goal 13: Energy Conservation**  
**Goal 14: Urbanization**

### **III. BACKGROUND:**

The applicant, Railway Investments, is requesting land use approval of a Minor Annexation Application to include the subject property within the city limits of Silverton. The subject site consists of Tax Lot 700 of Tax Map 61W34CA and is addressed as 827 Railway Avenue NE. The attached Existing Conditions Plan indicates that the 1.46 acre site is currently designated Commercial on the Silverton Comprehensive Plan Map and is zoned Industrial/Commercial on the Marion County Zoning Map. Following annexation approval, the site will automatically be zoned GC (General Commercial). The attached Existing Conditions Plan indicates that the site is an unincorporated island that is directly adjacent to the city limits of Silverton and is located within the City's Urban Growth Boundary (UGB).

The attached Existing Conditions Plan demonstrates that the site generally slopes down from the southeast to northwest corner of the property (see Exhibit 3). The property is clear of native vegetation and currently contains a 9,035 sq. ft. industrial use building with an existing asphalt storage yard covering the remainder of the site. No natural hazards, natural resources, or critical areas are identified on the parcel.

In 2011, a series of interactive community workshops were initiated by the City of Silverton to develop a vision for Silverton's West-Side area. This focused planning area includes the subject site. The project was guided by a Project Advisory Committee comprised of local citizens, business owners, organizations, government agencies, and elected officials. As a result of this effort, an urban design framework and transportation plan strategies were identified to ensure that future development was consistent with the community's vision. On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City's Comprehensive Plan and a refinement to the City's Transportation System Plan (TSP). The proposed Zoning Map designation and low-impact light industrial use on the site is consistent with the adopted area plan.

As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, and installing a curb and 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Silverton Local Street standards.

As indicated by the attached Existing Conditions Plan, public utilities are in the vicinity of the subject site and can accommodate commercial and industrial uses on the site. Public water and sanitary sewer service will be provided by connecting to the existing main lines within Railway Avenue NE. Stormwater is currently managed by collecting stormwater on the site and discharging it into the public drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the adjacent public facilities and utilities were sized to accommodate full development of the site.

This Applicant's Statement addresses the applicable provisions of the Silverton Development Code, Statewide Planning Goals, and Silverton Comprehensive Plan. Copies of the signed Application Form, Property Deed, and Preliminary Plans have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use application meets the criteria for approval.

## **IV. FINDINGS**

### **A. SILVERTON DEVELOPMENT CODE**

#### **ARTICLE 2: LAND USE (ZONING) DISTRICTS**

##### **CHAPTER 2.3: COMMERCIAL DISTRICTS**

###### **Section 2.3.110: Commercial Districts – Allowed Land Uses**

**Table 2.3.110 identifies the land uses that are allowed in the commercial districts. The specific land use categories are described and uses are defined in Chapters 1.5 and 1.6 SDC.**

##### **COMMENT:**

The attached Existing Conditions Plan indicates that the subject site is currently developed with a 9,035 sq. ft. warehouse structure with an associated asphalt storage yard and parking area. The building contains Kaufman Mason, which is operated by the applicant and property owner, Railway Investments LLC. Kaufman Masonry is a company that specializes in fireplace, concrete block, brick, and stone construction. A portion of the structure is also leased to Tiny Mountain Houses for the construction of towable tiny homes.

Upon annexation, the subject site will be automatically zone GC (General Commercial). Both of the existing businesses currently undertake all manufacturing and production activities within the existing structure. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. Per Table 2.3.110, manufacturing and production is permitted in the GC zone when the use is fully enclosed within a structure.

#### **ARTICLE 4: ADMINISTRATION OF LAND USE AND DEVELOPMENT**

##### **CHAPTER 4.10: ANNEXATIONS**

###### **Section 4.10.120: Application and Fee.**

**An application for annexation shall be filed with the city and accompanied by the appropriate fee. Additional land use applications may be filed concurrently with an annexation application contingent on approval of the annexation. At a minimum the application shall include:**

- A. A complete application signed by each property owner or a signed notarized letter of authorization from the property owner allowing the city to process an application received from a third party; and**

**COMMENT:**

As required, the submitted Annexation Application form has been signed by the property owner of the subject site (see Exhibit 1).

- B. Signed notarized statements by anyone leasing or renting the property stating that they have no objection to the annexation; and**

**COMMENT:**

The property owner operates Kaufman Masonry out of the existing structure and has rented a portion of the warehouse to Tiny Mountain Houses. As required, a signed statement has been provided by the tenant indicating that they have no objection to the annexation (see Exhibit 1).

- C. A mailing list of all current property owners and residents within 500 feet of the subject site, as certified by a title company or by the Marion County tax assessor's office, as accurate and complete as found on the most recent property tax assessment roll where the subject property is located; and**

**COMMENT:**

The City of Silverton has provided a property owner and resident mailing list which meets the standards of this section.

- D. A copy of the current deed(s); and**

**COMMENT:**

A copy of the current property deed has been attached to this Applicant's Statement (see Exhibit 2).

- E. A legal description of the territory to be annexed, meeting the relevant requirements of ORS Chapter 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description; and**

**COMMENT:**

The attached property deed includes a legal description which meets the standards of this section (see Exhibit 2).

- F. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined; and**

**COMMENT:**

As required, the applicant has submitted a tax map with this application (see Exhibit 4).

- G. A written applicant's statement addressing each review criteria. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria listed in SDC 4.10.140. Upon determination that the application is complete, a public hearing shall be scheduled before the planning commission followed by a public hearing before the city council; and

**COMMENT:**

This narrative addresses each of the Annexation application review criteria.

- H. Eighteen full-sized and one reduced (11 inches by 17 inches) conceptual site plan for properties to be developed with a subdivision or planned development.

**COMMENT:**

The applicant is not proposing a subdivision or planned development. Therefore, the above standards do not apply. With approval of the application, the subject site will be zoned GC upon annexation into the city limits of Silverton. The applicant has attached a Concept Plan and intends to submit a future Design Review application for the development of a new industrial use warehouse structure in the southwest corner of the site.

- I. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map on forms provided by the city;

**COMMENT:**

All property owners within the proposed annexation area have signed the attached application form. Therefore, a double-majority worksheet is not applicable to this annexation request.

- J. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the review criteria, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities; and

**COMMENT:**

As indicated by the attached Existing Conditions Plan, public utilities are in the vicinity of the subject site and can accommodate full development of the property. Public water and sanitary sewer service will be provided by extending services from the existing main lines within Railway Avenue NE. Stormwater is currently managed by collecting stormwater from impervious surfaces and discharging it into the public drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, recently installed public facilities within Railway Avenue have been sized to accommodate development on the site. Phase I of the West-Side Gateway Planned Development also widened the south side of Railway Ave NE, installed drainage improvements, and added a curb and sidewalk, bringing the site's frontage into compliance with Local Street standards.

**2. Statement of increased demand for such facilities to be generated by the proposed development; and**

**COMMENT:**

The applicant has attached a Concept Plan which indicates that the applicant intends to develop a warehouse building for permitted commercial and industrial uses in the southwest corner of the site (see Exhibit 3). Prior to submitting a Design Review application, the applicant will set up a Pre-Application Conference with City Staff. Based on the projected number of daily trips, the City will determine if a traffic impact statement needs to be submitted with the land use application. Using this calculation, Transportation SDCs will be assessed by the City before a building permit is issued for the development. These fees will be used by the City to mitigate transportation impacts that are generated by the new development.

Similarly, the cost for increased demand for other services will be assessed by the City. The City's adopted utility master plans have determined the proportional cost of expanded services due to new development. Using these mechanisms, Water System, Sewer System, and Storm Drainage SDCs will also be assessed when building permits are issued for the future warehouse building.

**3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand; and**

**COMMENT:**

As discussed above, future development of the site can be accommodated by existing sanitary sewer, water, stormwater, transportation facilities. To address the proportional costs of future service and facility needs, Water System, Sewer System, and Storm Drainage SDCs will be collected for the proposed warehouse structure when building permits are issued for the subject site.

**4. Statement outlining method and source of financing required to provide additional facilities, if any; and**

**COMMENT:**

Since the subject site is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the recently installed adjacent public facilities within Railway Avenue were sized to accommodate full development of the property. No additional public facilities will be required to serve the subject site after the annexation.

5. **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**

**COMMENT:**

On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City's Comprehensive Plan. The subject site is located within the boundaries of this area plan. Based on community discussions and an analysis of urban growth boundary needs, the area plan identifies the need to develop the West Silverton employment area with a business park and low-impact industrial development for job creation.

The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop the site with an additional warehouse (see Exhibit 4). A future Design Review application will be submitted for development of the structure. This additional structure will encourage economic development and create additional employment opportunities. Therefore, the proposed annexation and subsequent development will help enhance the physical and social environment, consistent with the community's vision for the West-Side area.

6. **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 subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any; and**

**COMMENT:**

The attached Concept Plan illustrates that the proposed annexation and future development on the site will result in a number of positive effects for the community. With the annexation, the City will start receiving property tax revenue from existing assessed improvements on the site. This revenue will help fund park, transportation, police, code enforcement, and planning services within the city limits. The existing structure will also be required to connect to the public water and sanitary sewer main lines within Railway Avenue, helping to safeguard environmental resources within the community.

Following the annexation, the applicant intends to develop a new 6,000 sq. ft. warehouse structure in the southwest corner of the site (see Exhibit 3). This structure will support economic development and job creation in Silverton. The planned development will include the installation of landscape improvements within the parking area to improve the aesthetics of the existing development. In addition, Transportation, Sanitary Sewer, Water, and Park SDCs will be paid when building permits are obtained for the new building. The City will use those funds to increase the capacity of those public facilities for the citizens and business of Silverton.

7. Statement indicating the type and nature of any comprehensive plan text or map amendments that may be required to complete the proposed development;

**COMMENT:**

As demonstrated by the Concept Plan, once annexed, the applicant will utilize the subject site for a permitted use in the GC Zone. Therefore, a Comprehensive Plan text or map amendment is not required.

- K. Annexation agreement. There may be instances in which an applicant may offer additional considerations in support of an annexation application. Such considerations shall be considered as part of an annexation application. These considerations shall be formalized through a development agreement;

**COMMENT:**

The applicant and the City have not discussed the option of an annexation agreement for this application.

- L. The application fee for annexations and a deposit which is adequate to cover any and all costs related to the election as established by resolution of the city council.

**COMMENT:**

As required, the Annexation application fee has been submitted to the City.

**Section 4.10.140: Review criteria.**

**When reviewing a proposed annexation of land, the planning commission and city council will consider the following standards and criteria; the applicant shall bear the burden of proof.**

- A. Adequacy of access to the site; and

**COMMENT:**

As indicated by the attached Existing Conditions Plan, the subject property currently has adequate site access from the adjacent right-of-way, Railway Avenue NE (see Exhibit 3). The existing frontage improvements were upgraded to meet current City standards when Phase I of the West-Side Planned Development project was constructed. The submitted Concept Plan demonstrates that when a future warehouse is developed on the property, the access point will move to the east and will comply with City standards.

**B. Conformity of the proposal with the city's comprehensive plan; and**

**COMMENT:**

As mentioned above, with approval of the Annexation application, the subject site will be automatically zoned GC when it is included in Silverton's city limits. The applicant has attached a Concept Plan which illustrates the intent to develop an additional warehouse on the site for manufacturing and production uses within a fully enclosed structure (see Exhibit 3). The following comments demonstrate how the Annexation application conforms to applicable elements of the City's Comprehensive Plan:

Urbanization Element

The goal of the Urbanization Element of the Comprehensive Plan is to provide an adequate land supply of buildable residential, commercial, and industrial land within the City's UGB area. To evaluate commercial and industrial land needs, the City directed the preparation of an Economic Opportunity Analysis in 2011. The applicant's Concept Plan demonstrates that existing and future uses on the site will align with the current Commercial Comprehensive Plan Map designation, and automatic General Commercial Zoning Map designation upon annexation. Therefore, the requested annexation is consistent with the Urbanization Element.

Agricultural Lands Element

The goal of the Agricultural Lands Element is to preserve and maintain agricultural lands. The policies of the Agricultural Element include working with Marion County to zone areas of land between the city limits and the Urban Growth Boundary for 5-acre minimum lots. The subject site, which is located within Silverton's Urban Growth Area, is not utilized for agricultural purposes and is currently zoned Industrial/Commercial by Marion County. Therefore, the proposed annexation and intended use of the site is consistent with the Agricultural Lands Element.

Open Space, Natural and Cultural Resources Element

The goal of this element is to preserve and conserve open space, and natural and cultural resources. The Silverton Comprehensive Plan does not identify or designate any portion of the subject site as open space, or as significant scenic, historic or natural resource areas. Therefore, the proposed annexation will further the objectives of this Comprehensive Plan element.

### Air, Water and Land Resources Quality Element

The goal of this element is to maintain and improve the quality of air, water and land resources. Future development of the property will require connection to the City's sanitary sewer, water, and stormwater systems. By adhering to the City's environmental standards, the proposed fully enclosed manufacturing and production use will comply with the goals and policies of this element.

### Natural Hazard Element

The goal of the Natural Hazards Element is to protect life and property from natural disasters and hazards. The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. Therefore, the proposed annexation conforms with this element of the Comprehensive Plan.

### Housing Element

Objectives of the Housing Element coincide with City comprehensive plan elements and policies to encourage commercial development and job growth in close proximity to residential zones. The subject site will be zoned GC upon annexation. The submitted Concept Plan indicates that the site currently contains 9,035 sq. ft. warehouse and an additional 6,000 sq. ft. structure will be constructed in the southwest corner of the property (see Exhibit 3). The City's adopted West-Side Land Use and Transportation Plan identifies the need for employment opportunities near planned residential uses to the south of the subject property. Therefore, the annexation complements the policies and goals of the Housing Element, particularly for Silverton's West-Side area.

### Economy Element

The goal of the Economy Element is focused on the diversification and improvement of the local economy. The proposed annexation will allow the subject site to connect to City utilities and develop a new warehouse structure on the property. The planned development will generate the development of additional jobs for Silverton's manufacturing and production workforce. As such, the proposed annexation will help further the goals and policies of the Economic Element.

### Transportation Element

The goal of the Transportation Element is to provide a safe, convenient, aesthetic, and economical transportation system. The Existing Conditions Plan demonstrates that the site's frontage along Railway Avenue NE was fully improved to City standards when Phase I of the West-Side Gateway project was constructed. Therefore, the proposed annexation complies with the Transportation Element.

### Energy Element

The goal of the Energy Element is to conserve and reuse energy resources. The proposed annexation will encourage energy conservation by maximizing employment opportunities that are conveniently located within bicycling and walking distance of housing in Silverton's West-Side area. Energy conservation will also be encouraged through building code compliance when an additional warehouse is developed on the site.

### Public Facilities and Services Element

The goal of the Public Facilities and Services Elements of the Comprehensive Plan is to provide orderly and efficient public facilities and services to meet the needs of Silverton residents. As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, adding a curb, and installing a 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Local Street standards.

As indicated by the attached Existing Conditions Plan, public utilities are located in the vicinity of the property and can accommodate commercial and industrial uses on the site. Public water and sanitary sewer service will be provided by connecting to the existing main lines within Railway Avenue NE. Stormwater is currently managed by collecting stormwater on the site and discharging it into the drainageway on the north side of Railway Avenue. Since utilities within Railway Avenue were upgraded during the last 10 years, and the subject property is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, these public facilities were sized to accommodate full development of the site.

### Citizen Involvement Element

The goal of the Citizen Involvement Element is to ensure that residents in the planning area have an opportunity to be involved in all phases of the planning process. As discussed throughout this Applicant's Statement, the subject site is located within the West-Side Land Use and Transportation Plan area. In 2011, a series of interactive community workshops were initiated by the City of Silverton to develop a vision for Silverton's West-Side area. The project was guided by a Project Advisory Committee comprised of local residents, business owners, local organizations, government agencies, and elected officials. As a result of this effort, an urban design framework and transportation plan strategies were identified to ensure that future development was consistent with the community's vision. On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City's Comprehensive Plan.

The requested Minor Annexation land use application is required to follow the City's Type IV review procedure. With public hearings held before the Planning Commission and City Council, the submitted land use application will satisfy the goal and policies of the Citizen Involvement Element of the Comprehensive Plan. The public hearings allow an un-biased decision-making body to consider citizen input, the City's staff report, and findings from the submitted application when determining whether the proposal meets the City's clear and objective review criteria. As required, the public hearings will be noticed in advance of the meetings.

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

**COMMENT:**

The subject site is currently located within Silverton's Urban Growth Boundary, therefore the property is also included in the City's public facilities, services, and transportation system planning area. The City's Transportation System Plan, Water Master Plan, Sewer Master Plan, and Storm Water Master Plan have evaluated existing public facilitates and services in the vicinity of the subject site and have determined needs for future development. Public facility needs for the subject site were also evaluated during development of the West-Side Land Use and Transportation Plan, which is a refinement of the City's Transportation System Plan.

The Existing Conditions Plan demonstrates that adequate public facilities, services, and transportation networks are in place to serve the subject property. Phase I of the West-Side Gateway project widened the south side of Railway Ave NE, installed drainage improvements, and added a curb and sidewalk, bringing the site's frontage into compliance with Local Street standards. Also, when the Fire District extended the sanitary sewer main and connected to City service in 2019, a sewer lateral was installed and capped for 827 Railway Avenue NE. The attached Existing Conditions Plan indicates that a water main is currently located on the north side of Railway Avenue. Following the annexation, public water and sanitary sewer connections will be made for the existing warehouse structure. Stormwater will continue to be managed by collecting stormwater on the site and discharging it into the drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the adjacent public facilities were sized to accommodate full development of the site.

- D. **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**

**COMMENT:**

The attached Existing Conditions Plan demonstrates that recent transportation improvements to Railway Avenue meet current Local Street standards. As discussed above, upgrades to public sanitary sewer and storm facilities within Railway Avenue were also recently made in conformance with City Master Plan requirements. In addition, the existing public water line within the right-of-way has the capacity to serve full development of the site. Therefore, additional public facilities are not required to serve the annexation territory.

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

**COMMENT:**

The attached Existing Conditions Plan indicates that the subject property is located adjacent to Silverton Fire District Station 1 to the east, and Storage Depot to the west and south, both of which are currently within the city limits of Silverton. To the north of the site is Railroad Avenue NE, the Union Pacific Railroad right-of-way, and Silverton Road NE. Since this property is an island of land under County jurisdiction that is contiguous to the city limits, the proposed annexation represents a logical direction for city expansion.

- F. 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**

**COMMENT:**

As indicated by the attached Existing Conditions Plan, the subject property is currently located within Silverton's Urban Growth Boundary.

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

**COMMENT:**

Consistent with the current Commercial designation on the Comprehensive Plan Map, the subject site will be automatically zoned GC when the property is annexed. The existing structure on the site is currently used for manufacturing and production activities. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. Per Table 2.3.110, manufacturing and production is permitted in the GC zone when the use is fully enclosed within a structure. Therefore, the proposed use is consistent with the site's Comprehensive Plan Map designation.

- H. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and**

**COMMENT:**

The applicant has demonstrated how the proposed annexation is consistent with the goals of the Silverton Comprehensive Plan under the response to Section 4.10.140(B). The applicant's statement addresses applicable policies of the Silverton Comprehensive Plan in the narrative provided below.

- I. Shall be in compliance with applicable sections of ORS Chapter 222; and**

**COMMENT:**

The proposed annexation is a land use application which follows the City's Type IV review procedure. As required by State law, the City's Type IV procedure is consistent with the annexation procedures of ORS Chapter 222. Therefore, the Annexation Application complies with applicable sections of ORS Chapter 222.

- J. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed; and**

**COMMENT:**

The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. In addition, no on-site drainageways or potential wetlands are located on the property.

- K. 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**

**COMMENT:**

The Silverton Comprehensive Plan does not identify or designate any portion of the subject site as open space, or as significant scenic, historic or natural resource areas.

- L. 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.**

**COMMENT:**

The submitted Concept Plan indicates that the site currently contains 9,035 sq. ft. warehouse. An additional 6,000 sq. ft. structure will be constructed in the southwest corner of the property when city services are available following the annexation (see Exhibit 3). The existing and planned manufacturing and production use will help further the goals of the West-Side Land Use and Transportation Plan, which identifies the need for employment opportunities near planned residential uses in the planning area. Another measurable economic benefit of the proposed annexation is the additional property tax revenue will be available for City services. The attached Concept Plan also demonstrates that additional aesthetic enhancements to the gateway area will be provided when landscaping is installed along the street frontage with the future warehouse structure on the site (see Exhibit 3). Based on these factors, the proposed annexation and future development on the site will provide positive effects on the community.

**Section 4.10.150: Annexation Applications Involving Comprehensive Plan Amendments.**

Applications for annexation involving comprehensive plan amendments submitted by property owners shall be reviewed semi-annually in April and October by the planning commission with a recommendation to the council. The city council, planning commission, or community development director may also initiate plan amendments. Such initiations are made without prejudice towards the outcome.

**COMMENT:**

The applicant is not requesting a Comprehensive Plan Amendment. Therefore, this section does not apply.

**Section 4.10.170: Zoning.**

Upon annexation, the zoning of annexed property shall be compatible with the comprehensive plan designation as provided on the annexation zoning matrix. Zoning other than that shown on the matrix requires approval of a comprehensive plan map amendment and/or a zoning map amendment.

**COMMENT:**

With approval of the proposed annexation, the property will be zoned GC (General Commercial), consistent with the existing Commercial Comprehensive Plan Map designation. As discussed above, existing and planned uses on the site are permitted in the GC zone.

**B. SILVERTON COMPREHENSIVE PLAN**

**URBANIZATION ELEMENT**

## **Residential Development**

### **Policy 7: Orderly Growth**

**Orderly growth within the residentially designated land between the city limits and the urban growth boundary will be encouraged by discouraging partitions that impede redevelopment at urban densities at a later date.**

#### **COMMENT:**

The overall goal of the Urbanization Element of the Comprehensive Plan is to provide an adequate supply of buildable residential, commercial, and industrial land within the City's UGB in accordance with state law. Once annexed, the subject site will be located within the General Commercial District, which supports commercial use, light-industrial activities, and job creation. Per the attached Concept Plan, the site can be fully developed with the addition of a 6,000 sq. ft. warehouse after the parcel is annexed and city services are available. Since future development will increase job opportunities, and the property is in close proximity to residential uses in the West-Side Gateway neighborhood, the proposed annexation will promote orderly growth. As such, adding this property to the city limits helps further the Urbanization Element of the Comprehensive Plan.

## **Industrial Development**

### **Policy 19: Preservation of Industrial Lands**

**Land designated for industrial use shall be preserved for that use unless the size shape, topography, adjacent uses, or other factors limit the reasonable industrial use of the property.**

#### **COMMENT:**

The attached Existing Conditions Plan indicates that the subject site is currently developed with a 9,035 sq. ft. warehouse structure with an associated asphalt storage yard and parking area. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. The adopted West-Side Land Use and Transportation Plan indicates that general commercial, business park, and light-industrial activities are appropriate uses in the West Silverton Employment Area. Following the annexation, when the site is automatically zoned GC, manufacturing and production within a fully enclosed structure will be a permitted use in the zone. Therefore, the proposed annexation and intended use of the site is consistent with the above policy.

## **Urbanization**

### **Policy 23: Annexation Criteria**

#### **COMMENT:**

The annexation criteria of this section have been addressed under the applicant's response to Sections 4.10.140(C)-(H) of the Silverton Development Code.

**Policy 24: Zoning of Newly Annexed Areas**

The City of Silverton will assign zones to the newly annexed areas consistent with the Comprehensive Plan designation. In cases where a Comprehensive Plan map not exist the Council may consider a designation which takes into account the need for housing, level of services as well as the need for other uses.

**COMMENT:**

The subject site is currently designated Commercial on the Silverton Comprehensive Plan Map. With approval of this Annexation application, the subject property will be automatically zoned GC on the Silverton Zoning Map. As discussed above, the property is currently served with public transportation and utility services meeting City standards.

**AGRICULTURAL LANDS ELEMENT**

**Policy 2:** Work with Marion County to ensure orderly growth and redevelopment in the rural residential areas between the city limits and the urban growth boundary. Do not permit subdivisions and partitions that would make redevelopment at urban density economically unfeasible at a later date. Consider proposals for land division only if plans for efficient Redivision of the land at a later date area also presented. Review the redevelopment plans for location of structures before issuing building permits. Encourage Marion County to zone these areas for 5-acre minimum lots. This minimum lot size should be reconsidered after Silverton has developed master sewer and water plans for the area within the urban growth boundary.

**COMMENT:**

The subject site, which is located within Silverton's Urban Growth Area, is not utilized for agricultural purposes and is currently zoned Industrial/Commercial by Marion County. Therefore, the proposed annexation and automatic General Commercial zone designation is consistent with the Agricultural Lands Element.

**OPEN SPACE, NATURAL AND CULTURAL RESOURCES ELEMENT**

**Policy 1:** Preserve agricultural land uses within the urban growth boundary until the public facilities and services needed for urban development are available.

**COMMENT:**

The overall goal of this element is to preserve and conserve open space, natural and cultural resources. The Silverton Comprehensive Plan does not identify or designate any portion of the subject site as open space, or as significant scenic, historic or natural resource areas. In addition, the property is not utilized for agricultural purposes. Therefore, the proposed annexation complies with the above policy.

- Policy 2: Preserve needed open space through: public acquisition as funds permit, development and maintenance of parkland and school grounds, setbacks, and limits on development in natural hazard areas.**

**COMMENT:**

The attached Existing Conditions Plan demonstrates that there are no open space areas on the subject site. Therefore, the proposed annexation will meet the objectives of this policy.

**AIR, WATER, AND LAND RESOURCES ELEMENT**

- Policy 1: The City will do what is necessary to improve the water and sewerage treatment systems to meet state and federal standards as finances permit.**

**COMMENT:**

The overall goal of this element is to maintain and improve the quality of air, water and land resources. When the subject property is annexed, connections to City sanitary sewer and water facilities will be required for the existing warehouse structure. When an additional warehouse structure is developed in the southwest corner of the site following annexation, the proportional cost of expanding City services will be borne by the developer. Water System and Sanitary Sewer SDCs will be collected when building permits are issued for the development. Therefore, the proposed Annexation and future development will help further the objectives of this policy.

**NATURAL HAZARDS ELEMENT**

- Policy 1: The City will prevent development in the areas of natural hazard unless special design features adequately insure the safety and protection of life and property.**

**COMMENT:**

The overall goal of the Natural Hazards Element is to protect life and property from natural disasters and hazards. The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. Therefore, the proposed will meet the goal of this element and the objectives of this policy.

**HOUSING ELEMENT**

**Policy 4:** Encourage planned unit development, mixed use housing, and mixed housing with commercial uses as a means for broadening housing choices and creating sustainable neighborhoods.

**COMMENT:**

The overall goal of the Housing Element is to meet the projected housing needs of citizens in the Silverton area. The above policy encourages locating housing near commercial uses. As mentioned previously, additional job opportunities will be provided with the annexation since the applicant is planning to develop an additional warehouse structure on the site for manufacturing and production. Since the subject property is conveniently located near residential uses to the south of the site, a more sustainable neighborhood can be developed in the West-Side Area.

**ECONOMY ELEMENT**

**Policy 1:** Provide land for light industrial development in an industrial park setting.

**COMMENT:**

The overall goal of the Economy Element is focused on the diversification and improvement of the local economy. Based on community discussions about the aesthetics of the West-Side, as well as an analysis of residential verses industrial land use needs, the West-Side Land Use and Transportation Plan indicates that light-industrial and business park uses are desired for the area. With the automatic rezoning of the property to GC, light industrial uses such as manufacturing and production will be permitted within fully enclosed buildings, consistent with the area plan.

The attached Existing Conditions Plan indicates that the subject site is currently developed with a 9,035 sq. ft. warehouse structure with an associated asphalt storage yard and parking area. The building contains Kaufman Mason, which is operated by the applicant and property owner, Railway Investments LLC. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. As such, the proposed Annexation will meet the goal of this Economic Element and the objectives of this policy.

**TRANSPORTATION ELEMENT**

**D. Street System**

**Policy 1:** New street improvements shall be consistent with the general location, functional classification, and typical cross-sections (street standards) as set forth in the TSP.

**COMMENT:**

As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, and installing a curb and 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Local Street standards, consistent with the goal of this element and the objectives of this policy.

- Policy 5:** **In recognition that the entry points into the community along North First Street, Silverton Road, Oak Street, Pine Street, and South Water Street, will be some of the most heavily traveled routes into the community by tourists, the City of Silverton will develop strategies for "gateway" improvements.**

**COMMENT:**

The community gateway on Silverton Road was studied during the development of the West-Side Land Use and Transportation Plan. As discussed above, gateway improvements with Phase I of the West-Side Gateway project included the installation of street improvements along the site's Railway Avenue frontage.

**F. Pedestrian System**

- Policy 2:** **All new developments shall provide a sidewalk with curbs and gutters and storm drainage facility along the frontage of any arterial, collector, or residential street. Any requirement for off-street improvements shall be based on a rough proportionality of the impact of the new development.**

**COMMENT:**

As demonstrated by the attached Existing Conditions Plan, a sidewalk and curb were previously installed along the Railway Avenue frontage in accordance with City standards (see Exhibit 3).

**ENERGY ELEMENT**

- Policy 4:** **"Strip" commercial and residential "sprawl" will be discouraged to reduce the number and length of automobile trips. "Mixed use" areas that combine residential uses with neighborhood commercial activities will be encouraged as an alternative.**

**COMMENT:**

The subject property is currently located adjacent to a commercial use to the west and south, and institutional use to the east of the site. To the southwest is the West-Side Gateway project, which includes single-family and multi-family housing. The overall goal of the Energy Element is to conserve and reuse energy resources. When the site is annexed, the applicant intends to develop another warehouse structure on the site for light industrial manufacturing and production. Therefore, the annexation will help further the goal to establish and support the development of a mixed use area that provides convenient access for pedestrians and bicyclists, and discourage the number and length of automobile trips.

**Policy 5:** **As need is shown and as funds become available the City will encourage establishment of a bike and pedestrian path system that connects residential areas with employment centers.**

**COMMENT:**

As mentioned previously, Phase I of the West-Side Gateway project included the installation of a sidewalk and the widening of Railway Avenue. Therefore, there is an existing continuous pedestrian and bicycle connection between the residential neighborhood to the southwest of the site, and also to the commercial uses to east of the site (see Exhibit 3).

**PUBLIC FACILITIES AND SERVICES ELEMENT**

**COMMENT:**

The overall goal of the Public Facilities and Services Elements of the Comprehensive Plan is to provide orderly and efficient public facilities and services to meet the needs of Silverton residents. The attached Existing Conditions Plan indicates that access to the site is currently provided from Railway Avenue NE, which was recently upgraded to meet Local Street standards. Following the proposed annexation, connection to the existing sanitary sewer and water main lines within Railway Avenue will be provided for the existing warehouse structure. Stormwater will continue to be managed by collecting drainage from impervious surfaces and discharging it into the public drainageway along the north side of Railway Avenue. Therefore, the proposed annexation will meet the goal of the Public Facilities and Services Element.

**CITIZEN INVOLVEMENT ELEMENT**

**COMMENT:**

The goal of the Citizen Involvement Element is to ensure that residents in the planning area have an opportunity to be involved in all phases of the planning process. As required, the proposed Annexation application will follow the City's Type IV review procedure, in accordance with this element.

**C. STATEWIDE PLANNING GOALS**

## **GOAL 1: CITIZEN INVOLVEMENT**

**Summary:** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."

### **COMMENT:**

As mentioned throughout this Applicant's Statement, a series of interactive community workshops were initiated by the City of Silverton to develop a vision for Silverton's West-Side Area. The project was guided by a Project Advisory Committee comprised of local property owners and residents, business owners, local organizations, government agencies, and elected officials. As a result of this effort, an urban design framework and transportation plan strategies were identified to ensure that future development was consistent with the community's vision. On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City's Comprehensive Plan. The subject site is included in the West-Side Area, and is designated Commercial on the Silverton Comprehensive Plan Map.

The submitted Annexation application will follow the City's Type IV review procedure. With public hearings held before the Planning Commission and City Council, the submitted land use application will satisfy the Citizen Involvement Statewide Planning Goal. Notice of the public hearings will be posted in accordance with the City's Type IV review procedure. As a result, the proposed annexation allows citizens to be involved in all phases of the planning process.

## **GOAL 2: LAND USE PLANNING**

**Summary:** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

### **COMMENT:**

The submitted Annexation application is required to follow the City's Type IV review procedure. Public hearings will be held to allow an un-biased decision-making body to evaluate factual information and determine whether the application meets the City's clear and objective land use review criteria. This Applicant's Statement addresses how the submitted application meets all of the applicable review criteria.

In 2013, after a detailed evaluation of community preferences and land use needs, the West-Side Land Use and Transportation Plan was adopted as a supporting document to the Comprehensive Plan. The proposed annexation and the low-impact light industrial use for the subject site is consistent with this plan. Therefore, the proposal satisfies the Land Use Planning Goal.

### **GOAL 3: AGRICULTURAL LANDS**

**Summary:** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.

#### **COMMENT:**

As mentioned previously, the subject site is currently under Marion County jurisdiction and is zoned Industrial/Commercial. Therefore, the County has not inventoried the subject property as agricultural land and is not preserving the site through farm zoning. As a result, the proposed annexation is consistent with the Agricultural Lands Planning Goal.

### **GOAL 4: FOREST LANDS**

**Summary:** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

#### **COMMENT:**

The subject site is currently zoned IC by Marion County. Since the property does not include designated forest lands, the proposed use will not impact this Statewide Planning Goal.

### **GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES**

**Summary:** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

#### **COMMENT:**

The subject site is currently developed for light industrial and commercial uses. Per City and County maps, the site does not contain designated open spaces, or significant natural or cultural resources. Therefore, the proposed annexation and use of the site complies with the objectives of this Statewide Planning Goal.

### **GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY**

**Summary:** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**COMMENT:**

Following the proposed annexation, public water and sanitary sewer services will be extended to the existing warehouse structure on the subject property. City utility services will also be extended to the future warehouse building in the southwest corner of the site. As required, stormwater management will occur in accordance with City standards. As such, the proposed annexation complies with this Statewide Planning Goal.

**GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**

**Summary:** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

**COMMENT:**

The City of Silverton maintains maps of steeply sloped areas and floodplains within the City's Urban Growth Boundary area. The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. Therefore, the proposed annexation complies with City safeguards to prevent new development in areas which are subject to natural disasters and hazards.

**GOAL 8: RECREATION NEEDS**

**Summary:** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

**COMMENT:**

The subject site is designated Commercial on the City Comprehensive Plan Map. There are no identified or designated open spaces, or significant scenic, historic, or natural resources or recreation areas on the property. Therefore, the current use and future development on the site will not impact the Recreation Needs Goal.

**GOAL 9: ECONOMIC DEVELOPMENT**

**Summary:** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**COMMENT:**

With the proposed annexation, the subject property will be automatically zoned General Commercial, consistent with the designation in the West-Side Land Use and Transportation Plan. This area plan was adopted by the City in 2013 as a supporting document to the Comprehensive Plan. The subject site was included in the “West Silverton Employment Area”, with a focus on job growth in commercial and light-industrial business sectors. Therefore, with the planned development of an additional warehouse structure for manufacturing and production on the site, the proposed annexation will help diversify the local economy, and will help provide additional developable land for commercial and light industrial uses.

**GOAL 10: HOUSING**

**Summary:** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**COMMENT:**

The applicant’s proposal to annex the site and develop another warehouse will provide additional job opportunities for nearby residential neighborhoods. As such, the proposal helps support Housing Planning Goal.

**GOAL 11: PUBLIC FACILITIES AND SERVICES**

**Summary:** Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.

**COMMENT:**

The Existing Conditions Plan demonstrates that adequate public services are in place to serve the subject property. When the Fire District extended the sanitary sewer main in Railway Avenue and connected to City service in 2019, a sewer lateral was installed and capped for the subject site. The attached Existing Conditions Plan indicates that public water can be provided by connecting to the main on the north side of Railway Avenue. Stormwater will continue to be managed by collecting stormwater on the site and discharging it into the public drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton’s Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the recently upgraded public facilities were sized to accommodate full development of the site.

**GOAL 12: TRANSPORTATION**

**Summary:** The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

**COMMENT:**

As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, and installing a curb and 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Local Street standard. These facilities provide a safe route between the residential neighborhood to the southwest of the site and existing commercial uses to the east of the subject property. As such, existing transportation facilities in the vicinity of the site meet the Transportation Statewide Planning Goal.

**GOAL 13: ENERGY**

**Summary:** Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**COMMENT:**

The proposed annexation will encourage energy conservation by fully developing the subject property with light industrial uses which are conveniently located within bicycling and walking distance of the West-Side Gateway residential neighborhood to the southwest of the site. Energy conservation will also be encouraged through building code compliance when an additional warehouse is developed on the site. Therefore, the proposed annexation is consistent with the Energy Planning Goal.

**GOAL 14: URBANIZATION**

**Summary:** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

**COMMENT:**

To address commercial and industrial land needs, the City directed the preparation of an Economic Opportunity Analysis in 2011. This plan was used to designate an adequate supply of Commercial land on the Comprehensive Plan Map. The adopted 2013 West-Side Land Use and Transportation Plan also designated the subject site within West Silverton Employment Area and encouraged the development of a business park and low-impact industrial uses. The subject site is currently zoned Industrial/Commercial by Marion County within this Employment Area, and the property is not currently utilized for rural or agricultural purposes. Upon annexation, the site will be automatically zoned General Commercial and may be fully developed for commercial and light industrial uses. Therefore, the proposed annexation separates urbanizable land from rural land, and is consistent with the Urbanization Planning Goal.

**V. SUMMARY AND CONCLUSIONS**

Based upon the findings of this Applicant's Statement and submitted exhibits, the applicant has demonstrated compliance with relevant sections of the Silverton Development Code, Statewide Planning Goals, and Silverton Comprehensive Plan. Therefore, the applicant requests that the submitted application be approved.

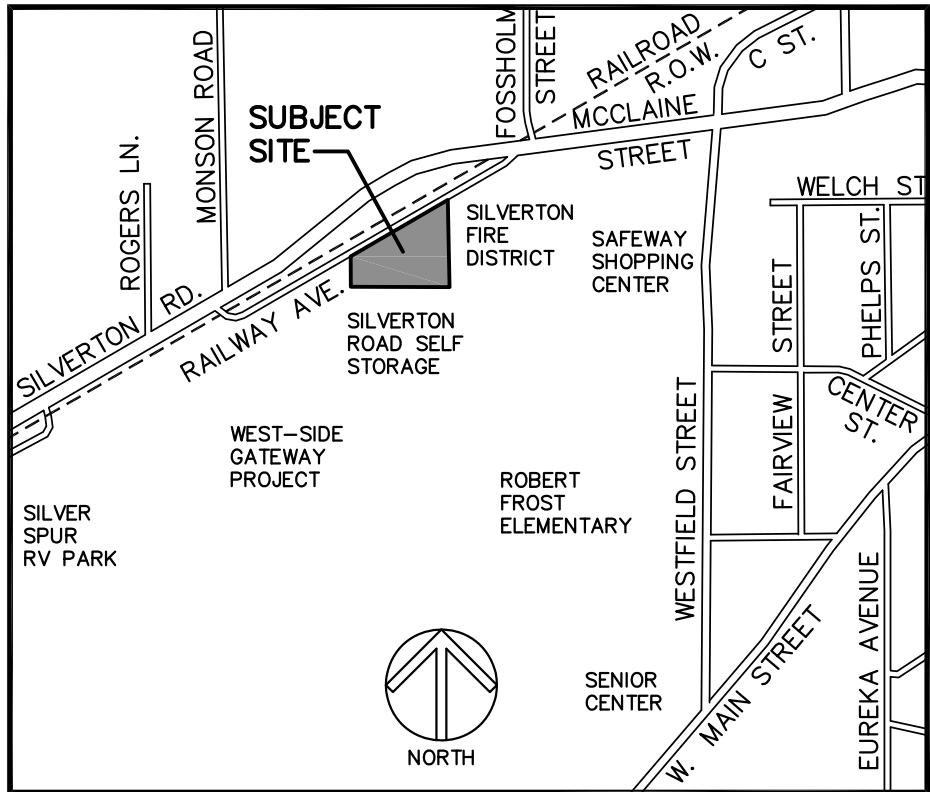
## **PRELIMINARY PLANS**

**EXHIBIT 3**

# RAILWAY INVESTMENTS ANNEXATION

## SILVERTON, ORE.

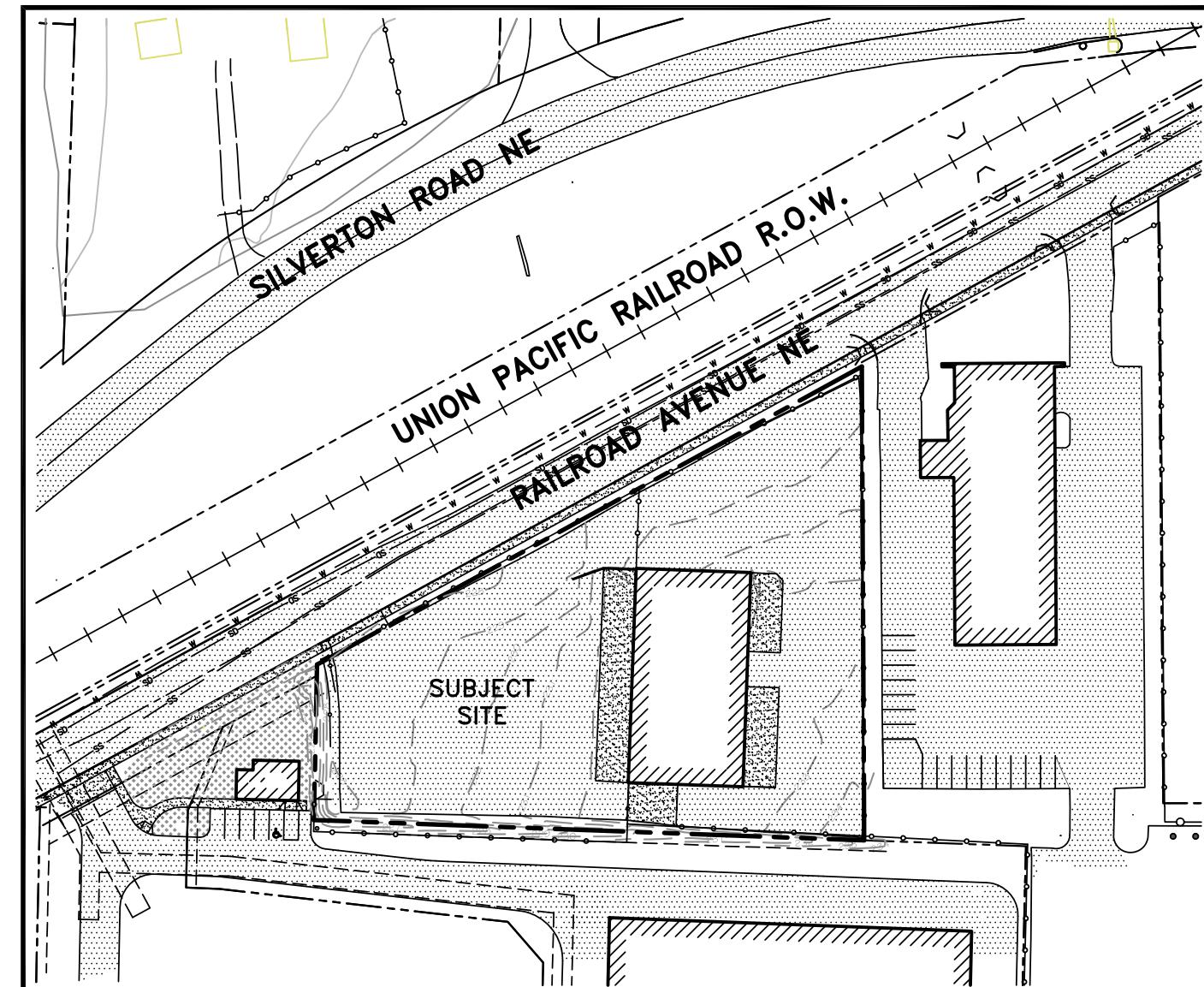
  
**Cascadia**  
 Planning + Development Services  
 PO Box 1920  
 Silverton, Oregon 97381  
 503-804-1089  
 steve@cascadiapd.com  
[www.cascadiapd.com](http://www.cascadiapd.com)



VICINITY MAP

### INDEX OF DRAWINGS

- P-1 COVER SHEET
- P-2 EXISTING CONDITIONS PLAN
- P-3 ANNEXATION AND ZONING MAP
- P-4 CONCEPT PLAN



SITE MAP

### APPLICANT / PROPERTY OWNER

RAILWAY INVESTMENTS ANNEXATION  
 827 RAILWAY AVENUE NE  
 SILVERTON, OR 97381  
 503-510-9431  
 CONTACT: FRED KAUFMAN

### APPLICANT'S REPRESENTATIVE

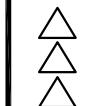
CASCADIA PLANNING + DEVELOPMENT SERVICES  
 PO BOX 1920  
 SILVERTON, OR 97038  
 503-804-9294  
 CONTACT: STEVE KAY, AICP

**CITY OF SILVERTON LAND USE APPLICATION**  
**RAILWAY INVESTMENTS ANNEXATION**  
 3681 GREEN RIVER ROAD  
 SWEET HOME, OR 97386

TAX LOT 1200 TAX MAP 131E29DA  
 LINN COUNTY, OREGON

**COVER SHEET**  
 AUGUST 24, 2023

REVISIONS

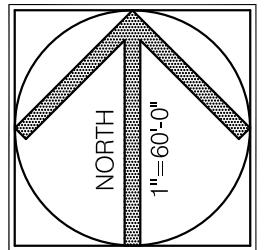


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RAILWAY INVESTMENTS ANNEXATION

MAIL OR WIRE  
TAX LOT 700 TAX MAIL OR WIRE  
MARIION COUNTY, OREGON

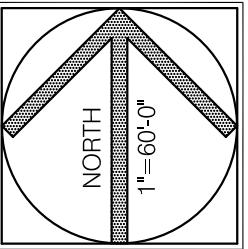
827 RAILWAY AVENUE  
SILVERTON, OR 97381

## **EXISTING CONDITIONS**

REVISIONS

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SHEET 2 OF 4



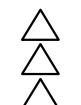
TAX LOT 700 TAX MAP 61W3CA  
MARION COUNTY, OREGON

CITY OF SILVERTON LAND USE APPLICATION  
**RAILWAY INVESTMENTS ANNEXATION**

827 RAILWAY AVENUE NE  
SILVERTON, OR 97381

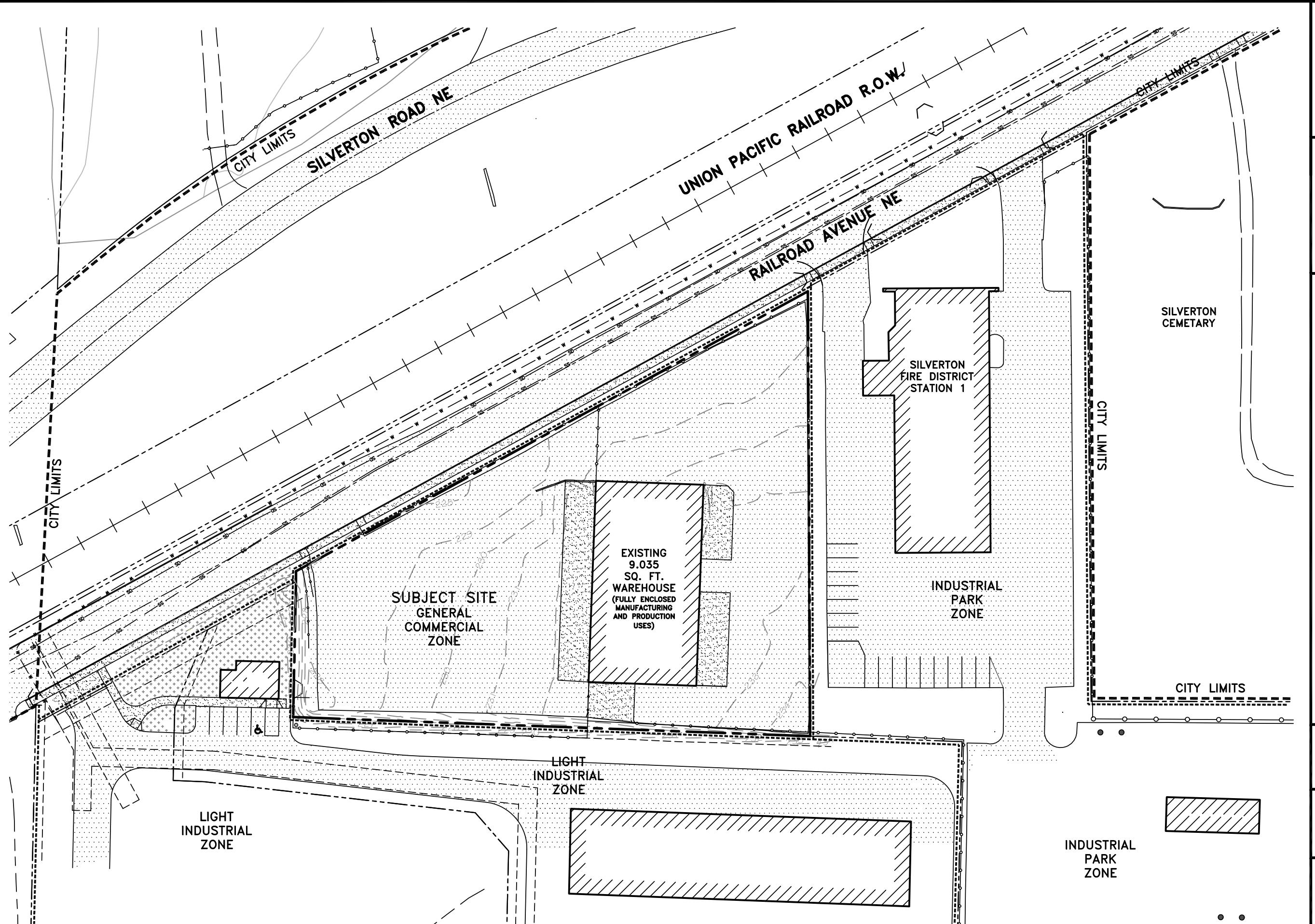
ANNEXATION  
AND ZONING MAP

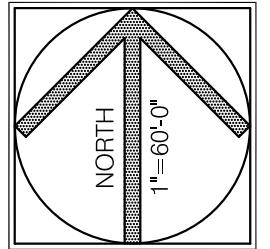
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REVISIONS



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SHEET 3 OF 4





TAX LOT 700 TAX MAP 61W34CA  
MARION COUNTY, OREGON

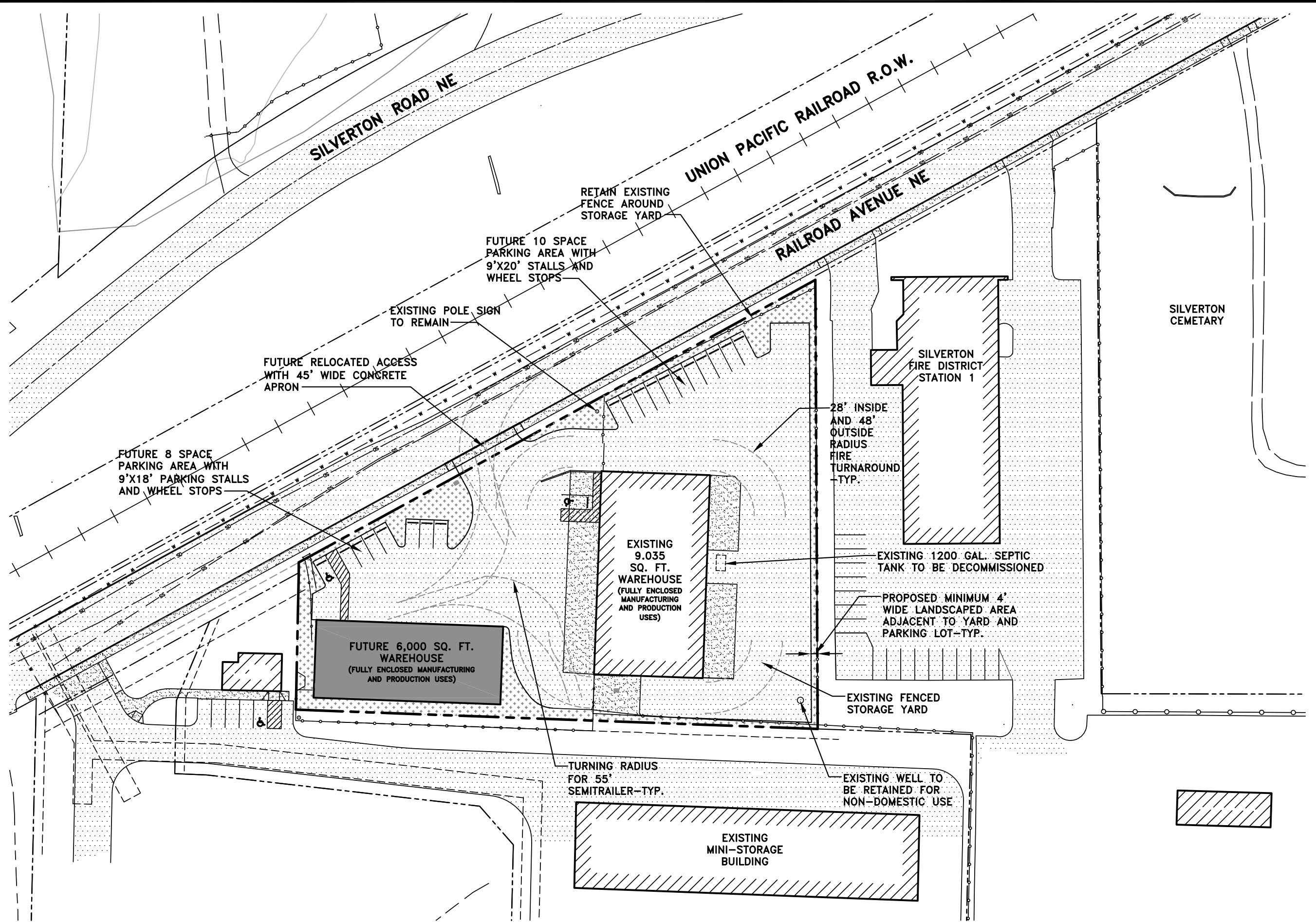
CITY OF SILVERTON LAND USE APPLICATION  
**RAILWAY INVESTMENTS ANNEXATION**

827 RAILWAY AVENUE NE  
SILVERTON, OR 97381

CONCEPT  
PLAN  
AUGUST 24, 2023  
REVISIONS

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SHEET 4 OF 4



# **ATTACHMENT C: STAFF REPORT, AN-23-01**

## **FINDINGS OF FACT**

### **A. Background Information:**

1. The applicant submitted an application on September 12, 2023 requesting annexation of a 1.48 acre parcel of land that is outside the City Limits.
2. Notice was mailed to all property owners within 700 feet of the subject area on October 25, 2023. As of this writing, November 7, 2023, no written testimony has been received. The notice was published in the Statesman Journal on November 1, 2023. The site posted on November 2, 2023.
3. This annexation will allow the property to connect to the City Sewer and Water system.
4. The annexation was reviewed by the Silverton Planning Commission on November 14, 2023 and recommend the City Council approve the application.

### **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 September 12, 2023, meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on October 25, 2023. The notice was published in the Statesman Journal on November 1, 2023. The site posted on November 2, 2023. The application was reviewed by the Planning Commission November 14, 2023 and will be before the City Council December 4, 2023.

##### **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 currently has driveway access off Railway Ave NE which is classified as a local roadway under Marion County jurisdiction. 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 not located in the Area of Special Mutual Concern. This annexation request is for the existing building and

the future 6,000 square foot building on the property to acquire city water and sewer services. The zoning of the site is Industrial Commercial and will be zoned General Commercial.

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 (UGB), 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 Comprehensive Plan upon annexation. This staff report will review the proposal for conformity with all other requirements of the city's ordinances. Criterion 2 is met.

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 obtain City water and sewer service. The water and sewer systems are already in place and are available to the site. The applicant will have to pay Water and Wastewater System Development Charges as connecting to the water and sewer system increases the usage of a capital improvement. Criterion 3 is met.

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:** Recent road and frontage improvements were completed by the West-Side Gateway development, bringing them up to current standards. Water and sewer mains are available at Railway Avenue NE. The applicant will continue to manage stormwater collection on site and discharge into the public drainageway on the north side of Railway Avenue.

The proposed annexation will not change the existing use of the transportation facilities and public facilities are adequate to serve the areas being annexed, 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. Considering the area is contiguous to the city limits and the parcel is being annexed to obtain city water and sewer services and city water and sanitary sewer services fronts the site, 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, therefore the criterion is met.

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

**Findings:** The proposed area for annexation is identified on the comprehensive plan map as Commercial and will be zoned General Commercial once annexed 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. The use of the site will not increase beyond its commercial use in conformance with the Comprehensive Plan, thereby meeting Criterion 8.

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 areas within the annexation boundary that are identified as wetlands, floodplains, or steep slopes, therefore 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 have minimal physical and environmental impacts on the community. A 6,000 square foot manufacturing building will be built, and the applicant

will be required to connect the new and existing building to water and sewer services and pay the System Development Charges for the impact to the system. The criterion is met.

*13. If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. “Redevelopable land” means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and*

**Findings:** The property is proposed to be zoned General Commercial, therefore the criterion does not apply.

*14. Promotes the timely, orderly and economic provision of public facilities and services; and*

**Findings:** The property is requesting annexation to connect to the water and sewer systems. Public facilities already exist fronting the site. This review criterion is subjective in nature and the City Council is able to make its own interpretation as to if it is met or not.

*15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.*

**Findings:** The annexation will allow a property that fronts existing City utilities to be annexed and developed in accordance with Silverton Development Code standards. This review criterion is subjective in nature and the City Council is able to make its own interpretation as to if it is met or not.

### **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 held a public hearing to evaluate the proposed annexation and recommends the City Council approve the application.

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

**City Council Options:**

The City Council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to the application, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;
- b. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation; and
- c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

## **ATTACHMENT D: TESTIMONY**

None received.

**CITY OF SILVERTON  
PLANNING COMMISSION MINUTES**

**7:00 P.M.**

November 14, 2023

The Planning Commission of the City of Silverton, met in person at the Silverton High School Library, located at 1456 Pine Street with a Teleconference option through the virtual meeting platform, Zoom on November 14, 2023 at 7:02 p.m. with Madam Vice-Chair Kaser presiding.

**b. I. PLANNING COMMISSION ROLL CALL:**

Present	Absent	
	X	Chairman Clay Flowers
X		Madam Vice-Chair Cara Kaser
	X	David Castle
X		Peter Matzka
X		Rich Piaskowski
X		Morry Jones
X		Randell Walling

**STAFF PRESENT:**

Community Development Director, Jason Gottgetreu, Associate Planner Shauna Godlevsky,  
Planning and Permit Assistant, Cleone Cantu.

## II. MINUTES: None.

### **III. BUSINESS FROM THE FLOOR:** None.

#### **IV. AGENDA:**

23 **4.1 File Number AN-23-01. Annexation application to annex 827 Railway Avenue NE into the City**  
24 **Limits and zone the property GC, General Commercial. The total area of the annexation request is**  
25 **1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to**  
26 **the City sewer and water system. The application will be reviewed per Silverton Development Code**  
27 **sections 4.10.140.**

30   **4.2 File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue**  
31   **from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area**  
32   **and is currently vacant. The application will be reviewed per Silverton Development Code sections**  
33   **4.7.300.**

37 4.1 File Number AN-23-01. Annexation application to annex 827 Railway Avenue NE into the City  
38 Limits and zone the property GC, General Commercial. The total area of the annexation request is  
39 1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to

1       **the City sewer and water system. The application will be reviewed per Silverton Development Code**  
2       **sections 4.10.140.**

3  
4       Madam Vice-Chair Kaser reviewed the Public Hearing procedures for a formal Quasi-judicial  
5       meeting and opened the public hearing at 7:04pm.

6  
7       No Commissioners abstained, claimed conflict of interest, or declared ex parte contact for the  
8       application before them. No member of the audience wished to challenge the jurisdiction of the  
9       Planning Commission to hear the matter at hand. No member of the audience wished to  
10      challenge the Planning Commission for bias, or conflict of interest.

11  
12      Director Gottgetreu presented the annexation application to annex 827 Railway Avenue NE into the  
13      City Limits and zone the property GC, General Commercial. The property is near an acre and a half and  
14      the annexation would allow the existing building and potential future buildings to connect to City water  
15      and sewer. The subject property is currently surrounded by the City limits on all sides classifying the  
16      location in the unannexed enclave. The site is currently developed for a manufacturing and production  
17      use, and a masonry business is on site. Director Gottgetreu referred to the City's Comprehensive Plan and  
18      provided the current zoning of the site and adjacent sites in the area; with this the annexation was a  
19      logical allowance. The public facilities, transportation network, and utilities were then provided. Director  
20      Gottgetreu outlined the historical use of the property which created consistency if the property were to be  
21      annexed. The urbanization of the subject property was iterated along with potential economic impacts.  
22      The applicant had submitted a conceptual site plan of the property providing potential expansion, a visual  
23      example was provided.

24  
25      **Director Gottgetreu opened the floor for questions.**

26  
27      Commissioner Piaskowski inquired about utility capacity versus current utilization.

28  
29      Director Gottgetreu provided the process for the current sewer and water lines on the property.

30  
31      Commissioner Matzka inquired about the water quantity use, will there be a higher demand.

32  
33      Director Gottgetreu stated generally industrial manufacturing uses are not a high demand on water  
34      systems.

35  
36      Commissioner Piaskowski and Director Gottgetreu discussed future application for the site and design  
37      review requirements.

38  
39      Commissioner Jones and Director Gottgetreu discussed the zoning for the property.

40  
41      Madam Vice Chair Kaser provided the parameters for public testimony.

42  
43      **Applicant(s) Testimony:**

44  
45      **Steve Kay, applicant representative of Cascadia Planning and Development Services, PO**  
46      **Box 1920 Silverton, OR 97381.**

47      The applicant stated the property owner currently operates Kaufman Masonry within an existing  
48      warehouse structure near nine thousand square feet. The business is a multi-generational  
49      business and has been a piece of the Silverton community since 1956. Kaufman Masonry

1 specializes in fireplace, concrete block, brick, and stone construction. The company has  
2 completed notable public projects around Silverton, including the Veteran Memorial at Town  
3 Square Park, and the mosaic fountain in Coolidge McClaine Park. A portion of the warehouse is  
4 leased to Tiny Mountain Homes, which construct homes in entirety. The subject property is a  
5 small island within Marion County, however parcels to the East, West, and South are all  
6 currently within City limits. Use of the property is currently constrained by the reliance on a well  
7 on the site, and a septic holding tank which needs to be pumped every couple weeks. The  
8 proposed annexation will allow the existing warehouse to connect to City water, and sanitary  
9 sewer services within Railway Avenue. The submitted concept plan illustrated the property has  
10 potential to develop a secondary warehouse would provide additional manufacturing and  
11 production companies in Silverton. Future development would then be subject to City standards  
12 with upgrades to the existing parking lot and landscaping. The applicants have reviewed the staff  
13 report and do not have any concerns; they feel it is a cohesive representation of how the  
14 application meets criteria for approval.

15  
16 **Steve Kay opened the floor for questions.** There were none.

17  
18 **PROPONENT TESTIMONY:** There were no comments.

19  
20 **OPPONENT TESTIMONY:** There were no comments.

21  
22 **NEUTRAL TESTIMONY:** There were no comments.

23  
24 **STAFF FOLLOW UP:** There were no comments.

25  
26 **REBUTTAL:** There were no comments.

27  
28 Commissioner Matzka moved to close the Public Hearing, Commissioner Walling seconded the  
29 motion and the hearing was closed by consensus at 7:19pm.

30  
31 **DISCUSSION:**

32 Commissioner Piaskowski stated they do not have any concerns regarding the application, it  
33 meets the criteria for annexation. Their questions had been answered regarding utility capacity  
34 and can be revisited during design review. Commissioner Piaskowski would vote to approve the  
35 application.

36  
37 Commissioner Matzka concurred with Commissioner Piaskowski and stated they do not see any  
38 issues with the application. It made logical sense.

39  
40 Commissioner Jones was in favor of the application.

41  
42 Madam Vice Chair Kaser stated the application made logical sense as the property was an island  
43 of County jurisdiction in the middle of the City.

44  
45 Commissioner Walling motioned to recommend approval of the application to the City Council.  
46 Commissioner Matzka seconded the motion, and it passed unanimously.

1  
2 **4.2 File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue**  
3 **from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area**  
4 **and is currently vacant. The application will be reviewed per Silverton Development Code sections**  
5 **4.7.300.**

6  
7 No members of the Planning Commission wished to abstain or declare conflict of interest.

8  
9 Commissioner Jones declared ex parte contact. They reside near the property and drive by it  
10 every day. They received a phone call from a citizen regarding the application and  
11 Commissioner Jones recommended they attend the meeting. Commissioner Jones stated they are  
12 willing and able to make a decision solely based on evidence.

13  
14 No member of the audience wished to challenge the jurisdiction of the Planning Commission to  
15 hear the matter before them. No member of the audience wished to challenge any individual  
16 member of the Planning Commission for bias or conflict of interest.

17  
18 Madam Vice-Chair Kaser reviewed the guidelines for public testimony.

19  
20 Director Gottgetreu reviewed the zone change application for 602 Eureka Avenue. The  
21 application requested a zone change from R-1, Single Family Residential to R-5, Low Density  
22 Residential. The site is located on the South side of Eureka Avenue and South of Keene avenue,  
23 the property is 5.15 acres and currently vacant. The site underwent a previous land use decision  
24 by the Planning Commission in 2021 and was approved by the City Council for a 21-lot  
25 subdivision under the R-1 zoning district designated single family on the City's Comprehensive  
26 Plan. The R-5 zone is listed as a compatible zoning district with the single-family residential plan  
27 designation. Density requirements for R-5 zoning are development between five and ten units per  
28 acre; comparatively the R-1 zone requires properties to develop at densities between two and six  
29 units per acre. With this, theoretically, under R-1 zoning, density for the property has potential to  
30 develop between ten and thirty-one units. Per State law House Bill 2001 the property may be  
31 developed to the approved 21-lot subdivision with duplexes resulting in 42 dwellings. Under the  
32 R-5 zoning, the property would have the potential to develop between 26 and 52 dwellings on  
33 the site.

34  
35 Director Gottgetreu addressed the Comprehensive Plan from an alternate point, which indicates  
36 multifamily development should be encouraged, especially, but not limited to, areas close to the  
37 central business district, or the walking districts to neighborhood commercial areas, or areas of  
38 mixed-use designation. Additionally multifamily development should be scattered around the  
39 community and not concentrated in any one area, preferably scattered within existing  
40 neighborhoods.

41  
42 Director Gottgetreu referred to the City's Housing Needs Analysis which was adopted as a  
43 support document to the Comprehensive Plan in 2020. The document identified a deficit of  
44 housing for low-income households indicating a need for a wider range of housing types for  
45 renters and homeowners. The Housing Needs Analysis additionally indicated a deficit of land for  
46 three hundred and four multifamily style dwelling units; not necessarily affordable units, but  
47 multifamily style units; over the twenty-year planning period. Since the housing needs analysis

1 in 2020, ninety-seven multifamily units have been approved for development.  
2  
3 Director Gottgetreu presented the maximum traffic impact potential of the development. The  
4 data was gathered from the Institute of Transportation Engineer Trip Generation Manual and  
5 provided PM peak trips with differential between single family occupancy and multifamily  
6 occupancy. R-1 single family occupancy for the site would add 21 PMPHT power trips to the  
7 transportation system, duplexes would add an estimated 42 PMPHT trips to the transportation  
8 system. If the site were developed under the 51-unit multifamily development proposal (with an  
9 assumption of apartments) 31 PMPHT trips would be added to the transportation network; there  
10 is a possibility for flexibility with this assumed amount as R-5 zoning allows for a variety of  
11 uses.

12  
13 Director Gottgetreu then displayed a visual example of the previously approved subdivision site  
14 plan and informed the Planning Commission of the available utilities on the site. The differential  
15 between R-1 and R-5 zoning was then provided with development housing options for each  
16 category. Altering the current zoning for the site to R-5 would allow multiple styles of  
17 development. Approval would depend on the development application displaying code  
18 compliance and require additional public process and review. Director Gottgetreu then  
19 summarized the potential density options for the site with comparison of R-1 and R-5 zoning.  
20 They then addressed the drainage for the site as public comment had initiated concern.  
21 Topography maps were displayed to the Planning Commission to illustrate the specifications of  
22 the area along with the development standards for stormwater detention and retention and  
23 potential flood events. Director Gottgetreu then elucidated the applicants previous plan for  
24 stormwater. Public comment had additionally iterated concern for wetlands on the property to  
25 which Director Gottgetreu confirmed the applicant had proposed to protect the wetlands.

26  
27 **Director Gottgetreu opened the floor for questions.**

28  
29 Commissioner Walling requested clarification on the drainage for the property.

30  
31 Director Gottgetreu and Commissioner Walling discussed the proposed plan for stormwater.

32  
33 Commissioner Jones and Director Gottgetreu discussed the water on the site and the possible  
34 water usage if the application were approved and 51-units were developed. Updating the water  
35 treatment plan was then discussed, there is not a current timeline. Commissioner Jones inquired  
36 about density development for the site and if the Master Plan had indicated a need for housing  
37 development in the area. Director Gottgetreu referred to the Housing Needs Analysis and  
38 provided elucidation. Commissioner Jones and Director Gottgetreu then discussed the landscape  
39 conservation standards for the site and the Oregon Garden access easement and water line use.  
40 Pedestrian connectivity for the site was then discussed.

41  
42 Commissioner Matzka asked for clarification on the current subdivision approval and the  
43 potential buildable lot/units if the zoning change were allowed.

44  
45 Director Gottgetreu outlined the approved lot potential and the possible development under R-5  
46 zoning.

1 Commissioner Matzka and Director Gottgetreu discussed design criteria, density, and structure  
2 standards, for R-1 and R-5 zoning.

3  
4 Commissioner Piaskowski referenced the wetlands on the property in correlation with drainage  
5 volumes and requested clarification on the proposed drainage location for the site.

6  
7 Director Gottgetreu and Commissioner Piaskowski discussed guidelines and process for  
8 development near wetlands. Drainage capacity was then spoken about in relation to R-1 and R-5  
9 zoning. Commissioner Piaskowski mentioned a four hundred- and fifty-year-old Oak tree in the  
10 wetland area. Director Gottgetreu conveyed general sustainability for Oak trees and direction of  
11 drainage on the site.

12  
13 The Planning Commission collectively discussed the modification of subsurface water flow on  
14 the site.

15  
16 Madam Vice Chair Kaser and Director Gottgetreu discussed the applicant's capability of  
17 beginning the development process for the current approved application. Discussion was then  
18 had on the zoning approval retainment with the land and the extension process for the application  
19 and the applicants current request for extension.

20  
21 Madam Vice Chair Kaser stated per the code the applicant is not obligated to present a  
22 development plan for rezoning consideration.

23  
24 Director Gottgetreu elucidated the review criteria for the application.

25  
26 Commissioner Piaskowski asked if there were water pressure issues in the adjacent residential  
27 areas; additionally, they inquired about the available utility capacities.

28  
29 Commissioner Walling and Director Gottgetreu discussed the current subdivision approval  
30 regarding drainage and the wetlands with the potential of revisiting the topics if a new  
31 development plan were submitted.

32  
33 Commissioner Piaskowski inquired about the design review process and minimum development  
34 densities.

35  
36 Commissioner Jones and Director Gottgetreu discussed current developable lots within the City  
37 of Silverton and the housing deficit.

38  
39 Madam Vice Chair Kaser asked for clarification on conditioning the application for approval and  
40 the process for encumbrance on the previous approval.

41  
42 Commissioner Walling and Madam Vice Chair Kaser discussed the process for disapproval of  
43 the application.

44  
45 **APPLICANT(S) TESTIMONY:**

46

1   **Britney Randall with Brand Land Use, representing the developer and property owner,**  
2   **1720 Liberty Street SE, Salem Oregon 97302**

3   Britney stated they have reviewed the staff report and concur with the findings. They noted the  
4   applicant prepared and provided a detailed narrative addressing the criteria to uphold the  
5   required burden of proof for the application; specifically highlighting pages nine through twelve.  
6   Britney referenced a subsection of page ninety-three: "*the requested designation for the site has*  
7   *been evaluated against relevant comprehensive plan policies and on balance could be found to*  
8   *be more supportive of the comprehensive plan as a whole than the current designation*" and  
9   stated the staff report did an excellent job of going through and itemizing the housing needs  
10   analysis and how the [proposed zone change] could fill a deficit in the City for alternative  
11   housing types. Under the current subdivision approval generally single-family homes are  
12   developed, after further review the potential for R-5 zoning was considered to fill the void. The  
13   applicant(s) had a pre-application conference with City staff where a presentation was given for  
14   the high [density] designation; with this, the applicants took consideration for feedback from  
15   staff and community input from the previous application. Britney stated the applicant(s)  
16   reevaluated their development plan after review of the Housing Needs Analysis and the City's  
17   Comprehensive Plan. Future development other than the approved subdivision would be before  
18   the Planning Commission again and be subject to public process and development standards.  
19   Britney addressed the public comment that stated the entire property was wetlands, the applicant  
20   wished to clarify there is a small area on the site designated as wetlands and it would remain and  
21   be protected, any change from the current subdivision approval would be subject to the rules and  
22   regulations of the Department of State Lands. Britney then went over the minimum density for  
23   the site. They addressed concern over utility capacities and stated the development would be  
24   connected to City services. The applicant had minimal focus on presenting a development design  
25   as there had not been a decision made; future development design will be to City standards.

26  
27   **The floor was opened for questions.**

28  
29   Commissioner Matzka and Britney clarified the minimum density for the site currently is ten  
30   units.

31  
32   Commissioner Piaskowski asked if the applicant is potentially moving forward with the current  
33   approved lot layout.

34  
35   Britney stated the 21-lot subdivision would meet the criteria for R-5 zoning, should the  
36   application be approved it affords flexibility for a new plan to be presented to the City.

37  
38   Commissioner Piaskowski and Britney discussed the flexibility options if the zone were  
39   changed. There was not a solid design to present.

40  
41   Commissioner Jones referenced the minutes from the previous application meeting and stated the  
42   architect had relayed there had been a typo for duplex development, and the proposal intention  
43   was for single-family homes. With this, Commissioner Jones asked why the applicant changed  
44   their mind to switch to R-5 zoning.

45  
46   Britney stated they were not included in the original approval, they were unaware of which

1 architect made the statement, and iterated the R-5 zone change is to allow flexibility and  
2 different housing types. They want to fill the gap that is seen in Silverton's Housing Needs  
3 Analysis and reiterated over and over in the Comprehensive Plan. The applicant may still move  
4 forward with the development of 21 single-family dwellings as currently approved; R-5 zoning  
5 affords more flexibility.

6  
7 Commissioner Jones referred to the minutes from the previous meeting and iterated comment of  
8 economics determining the number of lots. They stated an assumption for economics being the  
9 driving force behind the zone change request.

10  
11 Britney stated it is the flexibility of being able to develop the property appropriately with what  
12 the housing need shows Silverton need.

13  
14 Commissioner Matzka asked for clarification on the wording of *gap in housing* in Silverton; how  
15 will the zone change fill the gap.

16  
17 Britney stated the gap is shown in the staff report and is shown in the Housing Needs Analysis.  
18 There is a surplus of single-family homes and a lack of differentiated housing types like  
19 duplexes, tri-plex's, townhomes, cottages, multi-family apartments. The zone change would  
20 continue to allow the 21 single-family dwellings but would afford the ability to fill the gaps of  
21 the missing housing types in Silverton.

22  
23 Commissioner Matzka and Britney discussed the potential of changing the lot design for the  
24 property.

25  
26 Commissioner Piaskowski asked if there was a timeline to develop conceptual design.

27  
28 Britney stated there was not a current timeline for conceptual design, there is a deadline for the  
29 subdivision of 2025.

30  
31 Commissioner Piaskowski stated general process for zone change applications, typically the  
32 Planning Commission is provided with design to assist in the decision-making process for the  
33 application to ensure it meets the required criteria.

34  
35 Britney stated if the design changed from the current zone approval, it would be presented once  
36 again to meet the criteria for approval.

37  
38 Madam Vice-Chair Kaser inquired about the driver for zone change.

39  
40 Britney stated the ability to diversify the housing type [in Silverton] and have more flexibility.

41  
42 Madam Vice Chair Kaser asked for description of the community outreach the applicant had  
43 completed to assist in their request for zone change.

44  
45 Britney stated there had not been community outreach. Based on information they gathered from  
46 City staff at the pre-application conference their proposal was revised to R-5 zoning which falls

1 under the current Comprehensive Plan designation and meets statewide planning goals.  
2

3 **PUBLIC TESTIMONY:**

4  
5 **Proponent Testimony:** There was none.  
6

7 **Opponent Testimony:**

8 **Dean and Lauren Christensen, owners of 110 Jade Hills Silverton, Oregon 97381 & 412**  
9 **Eureka Silverton, Oregon 97381**

10 The two properties are downstream from the property in question. Dean stated they were not  
11 necessarily speaking against the development. They had concerns and questions related to the  
12 drainage. Dean relayed the previous plan addressed stormwater management by hitting the  
13 southerly drainage way as it moves past the Oregon Garden and their properties, and not the  
14 northerly drainage way. If the developer were to move forward and submit additional revised  
15 plans and receive approval, they would continue to meet the criteria for stormwater management  
16 from the City of Silverton. Additionally meet the criteria through drainage easements or  
17 whatever needn't be sure charging the southerly drainage way with their stormwater and not  
18 impacting their properties below with additional stormwater runoff. Lastly, Dean stated as  
19 property owners downstream it is important, they do not receive negative impact from  
20 stormwater in annual or an one-hundred-year event.

21  
22 Commissioner Matzka asked about water flow near their property, has there been changes within  
23 the last ten years on their property or near the wetland area.

24  
25 Dean stated they had not noticed changes within the last ten years, there were significant changes  
26 with the development of the Oregon Garden in the wetland area.

27  
28 **Jenny Siewell, 847 Woodland Drive, Silverton Oregon 97381**

29 Jenny relayed concern for the families who live on Eureka and Edison road; It was their  
30 understanding that the water that feeds the properties is gravity fed. There have been water  
31 pressure issues, and they have run out of water in the past. With the addition of 21 to 51 homes  
32 Jenny stated they were concerned about the people's water capability with the gravity being fed  
33 on Edison.

34  
35 Director Gottgetreu clarified the proposed development would be on a separate system and  
36 provided information on the utilities.

37  
38 Jenny reiterated the potential number of homes on the property and relayed concern for increased  
39 traffic in the area directly related to a nearby church and school. Jenny has witnessed children  
40 and pedestrians' traffic in general in the area and inquired if speed zones would be altered.

41 Director Gottgetreu inferred the developer would be required to install sidewalks on the frontage  
42 of the property near eleven-hundred feet, but they do not have to connect to existing systems on  
43 Eureka. In terms of traffic and pedestrian crossings, these elements are addressed as development  
44 is constructed.

45  
46 Lastly, Jenny asked for clarification on the process if the R-5 zoning were approved and what the

1 design criteria would be with public process.

2  
3 Madam Vice Chair Kaser clarified the processes and criteria for zone changes, and stated the  
4 applicant would need to return to the Planning Commission if they proposed design other than  
5 the approved 21-lot subdivision.

6  
7 **Stephen Purdy, 884 Woodland Drive, Silverton Oregon 97381**

8 Stephen relayed concern for the flexibility the applicant referred to in terms of site development.  
9 They asked if the zone change would allow for manufactured homes.

10 Director Gottgetreu stated there is a State law that cites any lot that allows a single-family home  
11 must also allow a manufactured home.

12  
13 Stephen iterated confusion and frustration toward the applicant for not providing a direct answer  
14 on future design yet requesting the zone change. The flexibility comments did not provide  
15 clarification.

16  
17 **Neutral Testimony:**

18 **Mike Bliss, 879 Woodland Drive, Silverton Oregon 97381**

19 Mike inquired about the process for denial of the application and what the criteria are.

20  
21 Madam Vice-Chair Kaser referenced page 89 of the staff report and stated the decision is a  
22 Quasi-Judicial zoning amendment. They then summarized the eight criterium the Planning  
23 Commission must utilize for consideration of the application to remain in compliance with the  
24 statewide planning goal and relevance to the Comprehensive Plan of the City.

25 Director Gottgetreu and Mike discussed density potential and the applications compatibility with  
26 the City's Comprehensive Plan and Housing Needs Analysis.

27 Madam Vice-Chair Kaser provided elucidation on the process for consideration of the  
28 application.

29  
30 **Rebecca Murphy, 614 Keene Avenue, Silverton Oregon 97381**

31 Rebecca stated they are a lifetime Silverton resident and they have four young children. Their  
32 main concern is traffic and safety, with pertinence to the approved subdivision and the  
33 application. Rebecca asked the applicant to keep children in mind and consider provisions for  
34 sidewalks and a turn lane. They asked for consideration on moving the forty-five mile an hour  
35 sign located in the area, currently the area is not safe.

36 Director Gottgetreu provided information on how community members can request a speed limit  
37 change.

38 **Written Testimony:** See attached.

39  
40 **Rebuttal:**

41 Britney stated regarding the unknown for development, it will be submitted in the future. To  
42 determine feasibility is very expensive. To state putting the cart before the horse to approve the

1 zone change, prior to seeing what would be proposed, in Britney's opinion, was the opposite.  
2 They relayed coming to the [Planning Commission] with the 21-lot subdivision previously was  
3 putting the cart before the horse before exploring all the opportunities that could be available on  
4 the site. Britney iterated the applicant was not putting effort into being untransparent, they are  
5 simply unaware of what the recommendation will be. If the application were to be approved then  
6 the next step would be to develop feasibility and determine what sort of development makes  
7 sense; then it would go through the same process of public hearings etc. depending on what is  
8 proposed. Britney wanted to reiterate that any future development must happen for the frontage  
9 of the site to be improved, meaning sidewalks etc. if the 21-lot subdivision continues, those  
10 improvements would be made under approval. The applicants recognize and understand the  
11 concerns surrounding neighbors and citizens. They have taken it into consideration and will  
12 continue to if a different proposal is brought forward.

13  
14 Commissioner Piaskowski stated concern for being unaware of the future development plans.  
15 They asked if the Planning Commission extended the review period, was there potential for the  
16 applicant to return with conceptual designs.

17  
18 Britney said providing a conceptual design is not a part of the criteria, therefore they did not  
19 think they could do that. It would be an additional investment, especially if the applicant was  
20 unaware of the direction the [Planning Commissions decision was leaning] for any future  
21 proposal to be subject for review.

22  
23 Commissioner Piaskowski agreed in the accuracy of Britney's statement, and added conceptual  
24 designs would assist in the decision-making process to ensure congruency with the  
25 Comprehensive Plan for the City.

26  
27 Britney stated they believed they submitted supporting evidence and the staff report was clearly  
28 directed at the criteria; they thought the application displayed satisfactory criteria and upheld the  
29 burden of proof.

30  
31 Commissioner Matzka iterated in the initial approval of the 21-lot site, there were discussions  
32 about constructing a sidewalk across Eureka avenue. There was not a determination on whether  
33 it was possible due to unconstructed sidewalks in the area. Commissioner Matzka asked if there  
34 was a required crosswalk for the 21-unit approved development for pedestrians.

35  
36 Commissioner Jones recalled discussion on safe routes to school with an island community on a  
37 busy forty-five mile an hour road.

38  
39 Commissioner Matzka iterated the applicant is asking for freedom to develop without confirming  
40 the pedestrian safety for the current 21-lot subdivision approval.

41  
42 Director Gottgetreu stated previously John Rasmussen an engineer with Marion County  
43 commented on the crosswalk initiation, Eureka avenue is Marion County jurisdiction.

44  
45 Britney added there are proportionality laws, should a greater density development be proposed,  
46 the proportionality improvements could go up, therefore there could potentially be additional

1 requirements.  
2  
3 Commissioner Matzka added they were stating there was no confirmation for successful  
4 pedestrian crossing for the current approved development at its density.  
5

6 Commissioner Walling asked for clarification on the potential approval of the R-5 rezoning, the  
7 applicant had stated they were unaware if they would continue to move forward with the 21-lot  
8 subdivision or develop an alternative. If the R-5 were approved, the minimum density would be  
9 twenty-five units, therefore Commissioner Walling added the 21-lot subdivision would not be  
10 developed.  
11

12 Britney disagreed.  
13

14 There was collective discussion on the potential development of the site under R-1 and R-5  
15 zoning. Additionally, discussion was had on if the R-5 zoning were approved and if it is not  
16 congruent with the approved site plan, what the next steps would be.  
17

18 Commissioner Walling iterated, the applicant is asking for an opportunity to develop either R-1  
19 or R-5 zoning because the [Commission] cannot encumber a previously granted approval [the  
20 21-lot subdivision]. Commissioner Walling asked if the applicant would be agreeable with  
21 maintaining the R-1 zoning and returning with a plan displaying the need for R-5 density in the  
22 community.  
23

24 The Commission considered continuing the hearing to receive additional information.  
25

26 Director Gottgetreu provided clarification on code allowance for the development situation.  
27

28 Commissioner Matzka moved to close the public hearing, Commissioner Walling seconded the  
29 motion and it passed unanimously.  
30

31 **The Public Hearing was closed at 9:20pm. The Planning Commission recessed until  
32 9:33pm.**  
33

#### 34 **DISCUSSION:**

35 The Planning Commission considered the unique position they were in with the approved  
36 subdivision and requested R-5 zoning. There was collective discussion on the previous  
37 application meeting and the process that led to approval from the City Council.  
38

39 Madam Vice-Chair Kaser read the eight criterion for the application consideration.  
40

41 Concern was relayed for lack of information and insight into the applicants motive for rezoning  
42 and their plan for development. Additional information was preferred to ensure the rezoning for  
43 R-5 density aligned with the City's Comprehensive Plan and met the criterium. The Planning  
44 Commission reviewed page ninety-two of the staff report which did find the R-5 zoning to be  
45 compatible with the Comprehensive Plan designation. Pedestrian safety and connectivity to  
46 schools was considered with a higher density for the property.

1 Commissioner Piaskowski asked Director Gottgetreu for clarification on the Comprehensive  
2 Plan identifying the area as single-family, within the staff report criterion two, single family  
3 would include R-1, R-5 and others. Commissioner Piaskowski requested confirmation if R-5 was  
4 included.

5  
6 Director Gottgetreu stated R-1 and R-5 are compatible zoning districts for the property within the  
7 Comprehensive Plan.

8  
9 The Planning Commission considered negative impacts if the application were approved. They  
10 referred to the eight criterion and found inconsistencies. Under House Bill 2001 the applicant can  
11 develop 42-units on the property. There was discussion on the applicant satisfying the burden of  
12 proof to increase the density from what had been previously approved.

13  
14 Madam Vice-Chair Kaser stated the Planning Commission is restricted on their process for  
15 consideration of the application. They believed the application met the criteria. Negative impacts  
16 can be subjective, the applicant has shown they meet the requirements needed; Madam Vice-  
17 Chair Kaser stated they could not find constraints that were within what was allowed for  
18 consideration.

19  
20 Commissioner Walling motioned to recommend the City Council approval of the proposed zone  
21 change as it meets the criteria, Madam Vice-Chair Kaser seconded the motion.

22  
23 Commissioner Piaskowski reiterated for Commissioner Jones the following: The Housing Needs  
24 Analysis summarized in the report identifies that there is a deficit. There is a benefit of making  
25 the zone change, however as reported there are ninety-seven lots approved for multi-family, so  
26 the City has several years to meet the housing need; therefore, Commissioner Piaskowski stated  
27 they do not believe it is critical for the property to be designated as R-5 for purposes of meeting  
28 the Housing Needs Analysis. An additional inconsistency lay with the Comprehensive Plan,  
29 number two, four, and five do not align in their opinion.

30  
31 Commissioner Matzka agreed with Commissioner Piaskowski and stated the application did not  
32 align with having additional housing in an island community targeting needed housing that will  
33 have school aged children in the household. If the location had connectivity, it would be feasible,  
34 but [if approved] the creation of an island community with higher density outside of the walking  
35 ability into the infrastructure of our community is not agreeable. With this, Commissioner  
36 Matzka stated, the [application] does not meet the comprehensive goals, plans of the school  
37 district, the City, or the transportation network.

38  
39 Madam Vice-Chair Kaser stated they do not view the property as an island, the site has an  
40 approved plan currently. Frontage and sidewalks will be developed, unfortunately with County  
41 roads some infrastructure is not the City's jurisdiction. The property is near a neighborhood, it is  
42 not segregated. The differential between R-1 to R-5 zoning is the shortest route to increasing  
43 housing, the Planning Commission and the City Council will be reviewing future site-plans for  
44 code compliance, Madam Vice-Chair Kaser believed the application met criteria looking strictly  
45 at what the Planning Commission was legally allowed to consider.

46

1 The Planning Commission considered the adjacent properties and future frontage requirements.  
2 Lack of information from the applicant was reiterated.

3  
4 Commissioner Matzka relayed additional concern for approving the application.  
5

6 The motion did not pass, 1:4  
7

8 Commissioner Piaskowski motioned to recommend to the City Council the denial of the  
9 proposed zone change as it does not meet the review criteria, Commissioner Walling seconded  
10 the motion and it passed, 4:1.

11  
12 **IV. REPORTS AND COMMUNICATIONS:**  
13 Director Gottgereu informed the Planning Commission of upcoming meetings.

14  
15 Commissioner Matzka requested new public notice signs.  
16

17 **V. ADJOURNMENT:**  
18 The meeting was adjourned at **10:22pm**  
19 /s/ Cleone Cantu,  
20 Planning and Permit Assistant.

**CITY OF SILVERTON  
PLANNING COMMISSION**

**RESOLUTION NO. PC-23-06**

**A RESOLUTION IN THE MATTER OF AN ANNEXATION APPLICATION  
REQUEST TO ANNEX 827 RAILWAY AVENUE INTO THE CITY LIMITS AND  
ZONING THE PROPERTY GC, GENERAL COMMERCIAL. MARION COUNTY  
ASSESSOR'S MAP 061W34CA TAX LOT 00700.**

**WHEREAS**, an annexation application (AN-23-01) was made by Railway Investments, LLC, 827 Railway Avenue, Silverton, OR 97381; and

**WHEREAS**, the Planning Commission met in a duly advertised public hearing on November 14, 2023 to consider the application, evidence in the record, and testimony received; and

**WHEREAS**, the Planning Commission after review of the annexation (AN-23-01) application, testimony, and evidence in the record, found that the application met the annexation criteria and recommend that the Silverton City Council approve the annexation; and

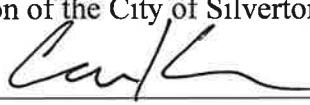
**WHEREAS**, the City Council will hold a public hearing on the annexation at a regularly scheduled meeting;

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE  
CITY OF SILVERTON, AS FOLLOWS:**

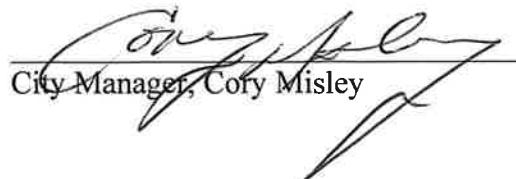
Section 1: That based on evidence in the record and the Findings of Fact, the Planning Commission recommends the City Council hold a public hearing to approve the proposed application (AN-23-01).

Section 2: That this resolution is and shall be effective after its passage by the Planning Commission.

Resolution adopted by the Planning Commission of the City of Silverton, this 14<sup>th</sup> day of November, 2023.

  
\_\_\_\_\_  
Silverton Planning Commission, Madam Vice Chair

ATTEST:

  
\_\_\_\_\_  
City Manager, Cory Misley

**CITY OF SILVERTON**  
**ORDINANCE**  
**23-06**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING A 1.48 ACRE PARCEL LOCATED AT 827 RAILWAY AVENUE INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY GC, GENERAL COMMERCIAL. MARION COUNTY ASSESSOR'S MAP 061W34CA TAX LOT 00700.**

**WHEREAS**, the City of Silverton has been petitioned to annex 827 Railway Avenue into the City Limits of the City of Silverton, Oregon and zone the property GC, General Commercial. Marion County Assessor's Map 061W34CA Tax Lot 00700.

**WHEREAS**, the area proposed for annexation is described as a tract of land situated in Section 34, T6S, R1W, W.M. Marion County Oregon and more particularly described as follows:

Beginning at a point that is 599.96 feet North 00° 31' 26" West and 435/45 feet North 89° 35' 38" West of the 3 inch iron pipe at the Southwest corner of Lot 7, Silverton Plaza.

Thence 335.37 feet South 89° 35' 38" East;

Thence 290.70 feet North 02° 11' 00" West;

Thence 377.54 feet South 59° 30' 00" West;

Thence 97.46 feet South 00° 37' 42" East to the beginning, more or less.

**NOW, THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

**Section 1: Legislative Annexation.** In accordance with ORS 222.120:

(1) The Silverton Municipal Code Section 18.04.10 provides a process whereby the City Council can authorize an exception to the electorate annexation process when the City Council determines that an identified health hazard exists, the request is less than 2 acres in size, and has limited potential. This annexation proposal complies with said conditions and the Council is hereby authorizing the election exception and is not referring the annexation request to the electorate. The Council hereby sets the final boundaries of the area to be annexed by a legal description and proclaims the annexation. A public hearing before the Council was held on December 4, 2023, at which time the electors of the city had an opportunity to appear and be heard on the question of annexation.

(2) The area described above and as shown on Exhibit "B" is hereby annexed to the City of Silverton, effective January 3, 2024.

**Section 2: Consent to Annexation.** In accordance with ORS 222.125 the Council finds there is no need to hold an election in the city or in any contiguous territory proposed to be annexed as all of the owners of land in that territory, and not less than 50 percent of the electors, if any, residing in the territory, have consented in writing to the annexation of the land in

the territory and statement of their consent is filed with the Council.

Section 3: **Timing of Consents.** The Council finds that only statements of consent to annexation which are filed within any one-year period prior to the hearing have been submitted and describes the 1.48 acres of real property, all located in Marion County, Oregon that shall be annexed to the City of Silverton upon recording with the Secretary of State.

Section 4: **Notice to Utilities.** In accordance with ORS 222.005 the City Recorder shall, no later than 10 working days after passage of this ordinance approving the proposed annexation, provide by certified mail to all public utilities, electric cooperatives and telecommunications utilities operating within the city, each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the City Council's resolution or ordinance approving the proposed annexation.

Section 5: **Notice to County.** In accordance with ORS 222.010, the City Recorder shall report to the Marion County Clerk and County Assessor all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines.

Section 6: **Assessor Valuation.** In accordance with ORS 222.030 the City Recorder shall request that the Assessor shall furnish within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.

Section 7: **Notice to Secretary of State.** In accordance with ORS 222.177 the City Recorder shall transmit to the Secretary of State:

- (1) A copy of this ordinance proclaiming the annexation.
- (2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.
- (3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.
- (4) A copy of the ordinance issued under ORS 222.120 (4).
- (5) An abstract of the vote upon the referendum, if a referendum petition was filed, with respect to the ordinance adopted under ORS 222.120.

Section 8: **Exhibits.** The City Council adopts the Findings of Fact, attached hereto as Exhibit 'A', and a map of the area being annexed as Exhibit 'B', which shall be incorporated by reference herein.

Section 9: **Zone Designation.** Upon annexation the property shall have a City of Silverton zoning designation of GC (**General Commercial**).

**Section 10: Effective Date.** In accordance with ORS 222.180 the effective date of annexation shall be January 3, 2024.

Ordinance adopted by the City Council of the City of Silverton, this 4<sup>th</sup> day of December, 2023.

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Mayor, City of Silverton  
Jason Freilinger

ATTEST:

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City Manager/Recorder, City of Silverton  
Corey Misley

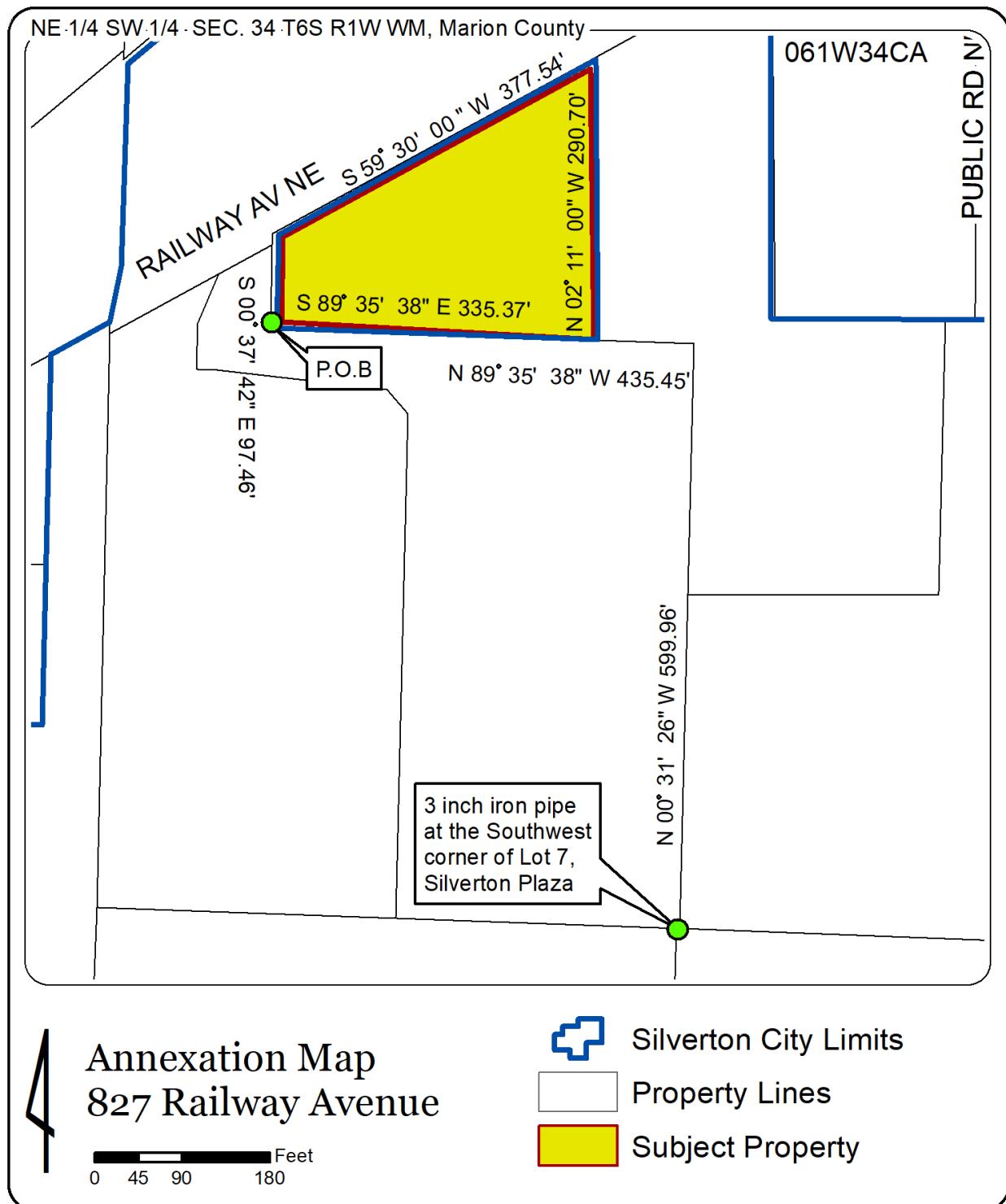
**EXHIBIT 'A'**  
**AN-23-01**

**The City Council of the City of Silverton adopts the following findings:**

1. The applicant submitted an application on September 19, 2023 requesting annexation of 827 Railway Avenue, a 1.48 acre parcel of land that is outside the City Limits and within the Urban Growth Boundary. The annexation request is for the existing building and the future buildings on the property to acquire city water and sewer services.
2. The site is currently developed with a 9,035 square foot building. .
3. Notice was mailed to all property owners within 700 feet of the subject area on October 25, 2023. As of this writing, November 7, 2023, no written testimony has been received. The notice was published in the Statesman Journal on November 1, 2023. The site posted on November 2, 2023.
4. The Planning Commission reviewed the application at their November 14, 2023 meeting and recommended the Council approve the request.
5. The application was reviewed by the City Council on December 4, 2023.
6. 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 (UGB), 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 and is contiguous to the city limits and would be subject to the Comprehensive Plan upon annexation.
7. The property is requesting annexation in order to obtain City water and sewer service. The water and sewer systems are already in place and are available to the site.
8. The applicant will have to pay Water and Wastewater System Development Charges as connecting to the water and sewer system increases the usage of a capital improvement.
9. Recent road and frontage improvements were completed by the West-Side Gateway development, bringing them up to current standards. Water and sewer mains are available at Railway Avenue NE. The applicant will continue to manage stormwater collection on site and discharge into the public drainageway on the north side of Railway Avenue. The proposed annexation will not change the existing use of the transportation facilities and public facilities are adequate to serve the areas being annexed
10. The area is contiguous to the City. Considering the area is contiguous to the city limits and the parcel is being annexed to obtain city water and sewer services and city water and sanitary sewer services fronts the site, the annexation represents a logical direction for city expansion.

11. The area considered for annexation is inside the Urban Growth Boundary.
12. The proposed area for annexation is identified on the comprehensive plan map as Commercial and will be zoned General Commercial once annexed.
13. 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.
14. There are no areas within the annexation boundary that are identified as wetlands, floodplains, or steep slopes.
15. 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.
16. The annexation will have minimal physical and environmental impacts on the community. A 6,000 square foot manufacturing building is proposed for the future, and the applicant will be required to connect the new and existing building to water and sewer services and pay the System Development Charges for the impact to the system.
17. The annexation will allow a property that fronts existing City utilities to be annexed and developed in accordance with Silverton Development Code standards.
18. That the details of the case are maintained in Case File No. AN-23-01 which is filed in the Planning Department in City Hall and is open for public inspection.

## Exhibit 'B'



**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	<b>Agenda Item No.:</b>	<b>Topic:</b>
	7.1	DEQ MAO Update/Water Dudes Discussion
	<b>Agenda Type:</b>	
	Discussion/Action	
	<b>Meeting Date:</b>	
	December 4, 2023	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
Brad Jensen	Travis Sperle	Cory Misley

**Background:**

In May of 2023 the City and Oregon Department of Environmental Quality (DEQ) signed the Mutual Agreement and Final Order (MAO). It outlines in the document tasks to be completed throughout 2023. Attached and outlined in DEQ Update 1 and 2 are the Tasks completed up to October 2023. The Harvest Report Attachment is also included as it was completed in November 2023 and was an outlined task by the MAO. Also included in the attachments are Water Dudes Department Review and a Power Point Presentation that will be Presented to Council on Water Dudes Overall assessment of the Wastewater Treatment Plant Operation and Maintenance.

**Attachments:**

1. DEQ MAO (for Reference)
2. DEQ Update (for Reference)
3. Water Dudes Harvest Report (for Reference)
4. Water Dudes Department Review (for Review)
5. Water Dudes PP Review (for Review)

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF ) MUTUAL AGREEMENT  
CITY OF SILVERTON, ) AND FINAL ORDER  
 )  
 Respondent. ) CASE NO. WQ-M-WR-2022-015

**WHEREAS:**

8           1. On February 7, 2023, the Department of Environmental Quality (DEQ) issued  
9 Notice of Civil Penalty Assessment and Order No. WQ-M-WR-2022-015 (Notice) to Respondent.  
10 DEQ assessed a \$42,130 civil penalty against Respondent for violations alleged in the Notice.

2. On March 1, 2023, Respondent filed a timely response and request for hearing.

## I. AGREEMENT

Respondent and DEQ hereby agree that:

1. This Mutual Agreement and Final Order (MAO) shall be effective upon the date fully executed (MAO Effective Date).

2. As defined in the Notice, the "Facility" is Respondent's municipal wastewater treatment and disposal system that operates pursuant to NPDES Permit Number 101720.

3. As described in this MAO, "Diana Naturals, Inc." is a food processing at 1702 Eska Way in Silverton, Oregon, that discharges to the Facility.

4. As described in this MAO, "Tillamook Country Smoker" is a food processing business at 811 N. 1<sup>st</sup> Street in Silverton, Oregon, that discharges to the Facility.

5. Section II, paragraphs 23-24 and Section III, paragraph 7 (Violation No. 7), regarding noncompliance reports, are removed from the case.

6. Exhibit 1 of the Notice is amended by reducing the H factor from 0 to -1 and by reducing the C factor from 2 to -1. This results in a change in the penalty for Violation No. 1 from \$20,800 to \$17,600. The amended findings and determination of the civil penalty is attached and incorporated as Amended Exhibit 1.

1        15. This MAO shall be binding on Respondent and its respective successors, agents, and  
2 assigns. The undersigned representative of Respondent certifies that they are fully authorized to  
3 execute and bind Respondent to this MAO.

4        16. Facsimile or scanned signatures on this MAO shall be treated the same as original  
5 signatures.

6        17. The terms of this MAO may be amended by mutual agreement of DEQ and  
7 Respondent.

8        18. If any event occurs that is beyond Respondent's reasonable control and that  
9 causes or may cause a delay or deviation in performance of the requirements of this MAO,  
10 Respondent shall immediately notify DEQ verbally of the cause of delay or deviation and its  
11 anticipated duration, the measures that have been or will be taken to prevent or minimize the  
12 delay or deviation, and the timetable by which Respondent proposes to carry out such measures.  
13 Respondent shall confirm in writing this information within five (5) working days of the onset of  
14 the event. It is Respondent's responsibility in the written notification to demonstrate to DEQ's  
15 satisfaction that the delay or deviation has been or will be caused by circumstances beyond the  
16 control and despite due diligence of Respondent. If Respondent so demonstrates, DEQ shall  
17 extend times of performance of related activities under this MAO as appropriate. Circumstances  
18 or events beyond Respondent's control include, but are not limited to, acts of nature, unforeseen  
19 strikes, work stoppages, fires, explosion, riot, sabotage, or war. Increased cost of performance or  
20 a consultant's failure to provide timely reports are not considered circumstances beyond  
21 Permittee's control. If Respondent fails to satisfactorily complete the requirements contained in  
22 Section II, paragraph 2 upon receipt of a written Penalty Demand Notice from DEQ, Respondent  
23 shall pay a civil penalty of \$1,600 for each day of each violation of this MAO until such violation is  
24 corrected.

25        19. Within twenty (20) days of receipt of a Penalty Demand Notice from DEQ,  
26 Respondent may contest the Penalty Demand Notice. Respondent agrees that the issue shall be  
27

1 limited to Respondent's compliance or noncompliance with this MAO. The amount of the  
2 stipulated civil penalty is established in advance by this MAO and is not a contestable issue.

3           20. In the event Respondent chooses to conduct a Supplemental Environmental Project  
4 (SEP), Respondent agrees to refrain from using the value of the SEP as a tax deduction or as part of  
5 a tax credit application; and, whenever Respondent publicizes the SEP or the results of the SEP,  
6 Respondent will state in a prominent manner that the project was undertaken in connection with the  
7 settlement of a DEQ enforcement action. An approved SEP will be incorporated into this MAO by  
8 amendment. Respondent will be deemed to have completed the SEP when the DEQ Office of  
9 Compliance and Enforcement receives a final report documenting completion of the SEP.

10        21. Civil penalty payments made pursuant to this MAO should be made payable to  
11 "Department of Environmental Quality" to DEQ - Business Office, 700 NE Multnomah Street,  
12 Suite #600, Portland, Oregon 97232. Please include the case number on the check or money  
13 order.

## II. FINAL ORDER

15 The Environmental Quality Commission hereby enters a final order:

16       1.     Imposing upon Respondent a total civil penalty of \$35,660 for the violations alleged  
17     in the Notice and as amended by this MAO. The total penalty amount may be decreased by an  
18     amount equal to that spent on a SEP that is approved by DEQ within 60 days of the MAO Effective  
19     Date, such decrease not to exceed \$28,528. Respondent will pay \$7,132 to the State of Oregon  
20     within 14 days of the MAO Effective Date. The remaining unpaid civil penalty will be due and  
21     owing to the State of Oregon within 60 days of the MAO Effective Date, unless DEQ amends this  
22     MAO to incorporate one or more approved SEP proposals with costs that are equal to or exceed the  
23     amount of remaining unpaid penalty.

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25    \|\|  
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27    \|\|

1 limited to Respondent's compliance or noncompliance with this MAO. The amount of the  
2 stipulated civil penalty is established in advance by this MAO and is not a contestable issue.

3        20. In the event Respondent chooses to conduct a Supplemental Environmental Project  
4 (SEP), Respondent agrees to refrain from using the value of the SEP as a tax deduction or as part of  
5 a tax credit application; and, whenever Respondent publicizes the SEP or the results of the SEP,  
6 Respondent will state in a prominent manner that the project was undertaken in connection with the  
7 settlement of a DEQ enforcement action. An approved SEP will be incorporated into this MAO by  
8 amendment. Respondent will be deemed to have completed the SEP when the DEQ Office of  
9 Compliance and Enforcement receives a final report documenting completion of the SEP.

10        21. Civil penalty payments made pursuant to this MAO should be made payable to  
11 "Department of Environmental Quality" to DEQ - Business Office, 700 NE Multnomah Street,  
12 Suite #600, Portland, Oregon 97232. Please include the case number on the check or money  
13 order.

## II. FINAL ORDER

The Environmental Quality Commission hereby enters a final order:

16       1.     Imposing upon Respondent a total civil penalty of \$35,660 for the violations alleged  
17 in the Notice and as amended by this MAO. The total penalty amount may be decreased by an  
18 amount equal to that spent on a SEP that is approved by DEQ within 60 days of the MAO Effective  
19 Date, such decrease not to exceed \$28,528. Respondent will pay \$7,132 to the State of Oregon  
20 within 14 days of the MAO Effective Date. The remaining unpaid civil penalty will be due and  
21 owing to the State of Oregon within 60 days of the MAO Effective Date, unless DEQ amends this  
22 MAO to incorporate one or more approved SEP proposals with costs that are equal to or exceed the  
23 amount of remaining unpaid penalty.

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- 1       2. Requiring Respondent to comply with the following schedule and conditions:
- 2           a. By June 1, 2023, Respondent must submit to DEQ for review:
- 3              i. A revised draft permit for Diana Naturals, Inc. that is tailored to the  
4                  industry and its discharge to the Facility. Respondent must issue the  
5                  revised permit within 60 days of receiving comments from DEQ.
- 6              ii. A report that describes the industrial processes conducted at the  
7                  Tillamook Country Smoker facility, and the volume and nature of the  
8                  expected discharge to Respondent's Facility.
- 9           b. By September 1, 2023, submit an Industrial User survey that complies with  
10          the requirements of 40 CFR 403.8(f)(2)(i-iii).
- 11          c. Consult with an independent expert on wastewater treatment to assist with  
12          operation of the Facility during the food processing season, to ensure that Respondent is  
13          operating the system properly to identify high strength wastewater discharge sources and  
14          manage slug loads. By December 31, 2023, Respondent must submit to DEQ a copy of the  
15          expert's report and recommendations.
- 16          d. By December 31, 2023, submit a draft of an updated version of Silverton  
17          Municipal Code Chapter 13.52 to DEQ for review and conditional approval. The updates  
18          must address general and specific discharge prohibitions, civil and criminal penalties, and  
19          Respondent's enforcement authority. Within 60 days of DEQ's conditional approval of the  
20          updated version, Respondent must take the updated code to the City Council meeting for  
21          adoption. If the code is not adopted, Respondent must update DEQ within 30 days of the  
22          City Council decision or failure to adopt the code, and propose next steps, including a  
23          timeline, for DEQ approval.
- 24          3. Written documentation demonstrating Respondents compliance with the  
25          requirements in Section II, paragraph 2 must be sent to Bradley Eagleson at  
26          [bradley.eagleson@deq.oregon.gov](mailto:bradley.eagleson@deq.oregon.gov), with a copy to Becka Puskas at [becka.puskas@deq.oregon.gov](mailto:becka.puskas@deq.oregon.gov).

1 CITY OF SILVERTON (RESPONDENT)

2  
3 May 15, 2023  
4 Date

5  
6 Jason Freilinger, Mayor  
7



8 DEPARTMENT OF ENVIRONMENTAL QUALITY and  
9 ENVIRONMENTAL QUALITY COMMISSION  
10

11 May 17, 2023  
12 Date

13 Kieran O'Donnell, Manager  
14 Office of Compliance and Enforcement  
15 on behalf of DEQ pursuant to OAR 340-012-0170  
16 on behalf of the EQC pursuant to OAR 340-011-0505  
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## AMENDED EXHIBIT 1

### FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 1 Violating a condition of a wastewater permit (Ammonia-N limits), in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(l).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(2)(a)(ii) because the receiving stream flow at the time of at least three of the water quality based effluent limit violations in July 2021 was at or below the flow used to calculate the limit. According to OAR 340-012-0145(4)(e), If DEQ assesses one penalty for multiple occurrences of a violation, the penalty will be based on the highest classification and magnitude applicable to any of the occurrences.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is:  $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$8,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(i) because Respondent has a NPDES permit for a municipal sewage treatment facility with a permitted flow of two million or more, but less than five million, gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and initially receives a value of 10 according to OAR 340-012-0145(2)(a)(C) and (D) and OAR 340-012-0145(2)(b), because Respondent has more than 10 Class I violations in case no. WQ-M-WR-2015-112, issued on October 16, 2015. According to OAR 340-012-0145(2)(d)(A)(ii), this amount is reduced by 4 because all the formal enforcement actions in which prior significant actions were cited were issued more than five years before the date the current violation occurred. Therefore, the value of P is 6.

"H" is Respondent's history of correcting prior significant actions, and receives a value of -1 according to OAR 340-012-0145(3)(b) because the violations were uncorrectable and Respondent took reasonable efforts to minimize the effects of the violations cited as PSAs. Respondent adopted a voluntary pretreatment program in response to the 2015 enforcement case, and has issued some fines an one Notice of Violation (2017) under that program.

"O" is whether the violation was repeated or ongoing, and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation.

There were 32 occurrences of the violation, described in Section II, paragraph 6 of the Notice.

- "M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. In case no. WQ-M-WR-2015-112, issued on October 16, 2015, DEQ cited Respondent for violating the Ammonia-N daily and monthly limits 59 times in 2014 and 2015. DEQ also cited Respondent for four violations of the Ammonia-N limits in Warning Letter No WLOC-2020-5521, issued on May 7, 2020. Despite this history of violations, Respondent has not taken corrective actions to ensure consistent compliance with the Ammonia-N limits in the Permit. Thus, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting additional Ammonia-N violations.
- "C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure that the violations would not be repeated by cooperating and providing documentation to DEQ and agreeing to comply with the requirements in Section II, paragraph 2 of the MAO.
- "EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 because DEQ has insufficient information to calculate an economic benefit for this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB  
= \$8,000 + [(0.1 x \$8,000) x (6 + -1 + 4 + 4 + -1)] + \$0  
= \$8,000 + (\$800 x 12) + \$0  
= \$8,000 + \$9,600 + \$0  
= \$17,600

## AMENDED EXHIBIT 2

### FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

<u>VIOLATION NO. 2</u>	Violating a condition of a wastewater permit (TSS limits), in violation of ORS 468B.025(2).
<u>CLASSIFICATION:</u>	This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A).
<u>MAGNITUDE:</u>	The magnitude of the violation is major pursuant to OAR 340-012-0135(2)(a)(A)(i) because the dilution of the technology based effluent limit exceedances was less than 2 for at least one violation the week of July 18-24, 2021. According to OAR 340-012-0145(4)(e), If DEQ assesses one penalty for multiple occurrences of a violation, the penalty will be based on the highest classification and magnitude applicable to any of the occurrences.
<u>CIVIL PENALTY FORMULA:</u>	The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$
"BP"	is the base penalty, which is \$8,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(i) because Respondent has a NPDES permit for a municipal sewage treatment facility with a permitted flow of two million or more, but less than five million, gallons per day.
"P"	is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and initially receives a value of 10 according to OAR 340-012-0145(2)(a)(C) and (D) and OAR 340-012-0145(2)(b), because Respondent has more than 10 Class I violations in case no. WQ-M-WR-2015-112, issued on October 16, 2015. According to OAR 340-012-0145(2)(d)(A)(ii), this amount is reduced by 4 because all the formal enforcement actions in which prior significant actions were cited were issued more than five years before the date the current violation occurred. Therefore, the value of P is 6.
"H"	is Respondent's history of correcting prior significant actions, and receives a value of -1 according to OAR 340-012-0145(3)(b) because the violations were uncorrectable and Respondent took reasonable efforts to minimize the effects of the violations cited as PSAs. Respondent adopted a voluntary pretreatment program in response to the 2015 enforcement case, and has issued some fines under one Notice of Violation (2017) under that program.
"O"	is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation.

There were 24 occurrences of the violation, described in Section II, paragraph 9 of the Notice.

- "M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. In case no. WQ-M-WR-2015-112, issued on October 16, 2015, DEQ cited Respondent for violating the TSS concentration limits seven times in 2014 and 2015. DEQ also cited Respondent for two violations of the TSS limits in Warning Letter No WLOC-2020-5521, issued on May 7, 2020. Despite this history of violations, Respondent has not taken corrective actions to ensure consistent compliance with the TSS limits in the Permit. Thus, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting additional TSS limit violations.
- "C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure that the violations would not be repeated by cooperating and providing documentation to DEQ and agreeing to comply with the requirements in Section II, paragraph 2 of the MAO.
- "EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 because DEQ has insufficient information to calculate an economic benefit for this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB  
= \$8,000 + [(0.1 x \$8,000) x (6 + -1 + 3 + 4 + -1)] + \$0  
= \$8,000 + (\$800 x 11) + \$0  
= \$8,000 + \$8,800 + \$0  
= \$16,800

## AMENDED EXHIBIT 3

### FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 5 Violating a condition of a wastewater permit (pH limits), in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class III violation pursuant to OAR 340-012-0055(3)(b)(B).

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is:  $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$700 for a Class III violation in the matrix listed in OAR 340-012-0140(3)(b)(C) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(i) because Respondent has a NPDES permit for a municipal sewage treatment facility with a permitted flow of two million or more, but less than five million, gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and initially receives a value of 10 according to OAR 340-012-0145(2)(a)(C) and (D) and OAR 340-012-0145(2)(b), because Respondent has more than 10 Class I violations in case no. WQ-M-WR-2015-112, issued on October 16, 2015. According to OAR 340-012-0145(2)(d)(A)(ii), this amount is reduced by 4 because all the formal enforcement actions in which prior significant actions were cited were issued more than five years before the date the current violation occurred. Therefore, the value of P is 6.

"H" is Respondent's history of correcting prior significant actions, and receives a value of -1 according to OAR 340-012-0145(3)(b) because the violations were uncorrectable and Respondent took reasonable efforts to minimize the effects of the violations cited as PSAs. Respondent adopted a voluntary pretreatment program in response to the 2015 enforcement case, and has issued some fines an one Notice of Violation (2017) under that program.

"O" is whether the violation was repeated or ongoing, and receives a value of 2 according to OAR 340-012-0145(4)(b) because there was more than one but less than seven occurrences of the violation. There were 6 occurrences of the violation, described in Section II, paragraph 15 of the Notice.

"M" is the mental state of the Respondent, and receives a value of 2 according to OAR 340-012-0145(5)(b) because Respondent had constructive knowledge (reasonably should have known) of the requirement. As a permittee, Respondent has constructive knowledge of the pH limits in the Permit.

- "C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure the violation would not be repeated. The pH limit violations were caused by a plug in the pH dose pump. Respondent unplugged the pump and returned the pump to normal operation, which prevented additional violations.
- "EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 because DEQ has insufficient information to calculate an economic benefit for this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

$$\begin{aligned} &= \$700 + [(0.1 \times \$700) \times (6 + -1 + 2 + 2 + -1)] + \$0 \\ &= \$700 + (\$70 \times 8) + \$0 \\ &= \$700 + \$560 + \$0 \\ &= \$1,260 \end{aligned}$$



## CITY OF SILVERTON Water Quality

400 Schemmel Lane | Silverton, Oregon 97381

MEMO:

On February 7<sup>th</sup>, 2023, the City was issued a Notice of Civil Penalty Assessment and Order No. WQ-M-WR-2022-015 From Oregon DEQ for numerous violations occurring May 2021 to August 2022. The original Assessment had a fine of \$42,130 along with several Orders issued. After the City filed for an appeal with DEQ the fines were reduced to \$35,660, and the Orders remained.

DEQ MAO section 2 Final Order subsection (1) Civil Penalty of \$35,660 for violations. The city was able to reduce the fines paid to DEQ to \$7,132 with the remaining \$28,528 paid to the Pudding River Water Shed (PRWS) to do a Supplemental Environmental Project. The city along with the PRWS elected to do a bank cleaning and stabilizing project along the trail from Coolidge Park to Salamander Island. This project was approved by DEQ and is currently underway.

DEQ MAO section 2 Final Order subsection (2) (a. i.) By June 1, 2023, the City will submit for review a revised Permit for Diana Naturals Industrial User Permit and issue the Permit within 60 days of DEQ approval.

The permit was approved and was issued to Diana Naturals in May 2023

DEQ MAO section 2 Final Order subsection (2) (a. ii.) By June 1, 2023, the city will submit a report describing the Industrial Process conducted at Tillamook Country Smoker. This was submitted and approved by DEQ in May 2023

DEQ MAO section 2 Final Order subsection (2) (b.) By September 1, 2023, submit an Industrial User Survey that complies with 40 CFR 403.8(f)(2) (i-iii).

Report was approved by DEQ August 1, 2023

DEQ MAO section 2 Final Order subsection (2) (c.) Consult with an independent expert on wastewater treatment to assist operation of the Facility during food processing season, for management of SLUG loading and identifying high strength discharges.

Completion by December 31, 2023

The city has hired Water Dudes Solutions. Water Dudes is preparing to have this report completed and sent to DEQ by mid November 2023. Water Dudes will also be giving a presentation to City Council during the December 4<sup>th</sup> Meeting.

DEQ MAO section 2 Final Order subsection (2) (d.) By December 31, 2023, submit a draft of an updated version of the Cities Municipal Code Chapter 13.52 to DEQ for review and approval. Within 60 days of approval the city shall take it to the City Council for adoption, if not adopted the city has 30 days to update DEQ and propose next steps with a timeline for action. This final part of the Order has been sent to the City Manager for the Updates.

Attached are all the Documents listed in the Final Order issued by DEQ from The City of Silverton Water Quality Division.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad J".

Brad Jensen (Water Quality Supervisor)



## CITY OF SILVERTON Water Quality

400 Schemmel Lane | Silverton, Oregon 97381

June 22, 2023

Oregon DEQ

**RE: WQ-M-WR-2022-015**

**NPDES Permit No.101720**

**Civil Penalty MAO II Final Order (sec. (1))**

Attached is the Application for the SEP, Plan from the Pudding River Watershed and an Invoice in the amount of \$28,528.

The City has sent to DEQ a check in the amount of \$7,132.00 and this SEP application, Plan, and Invoice will show the remaining penalty for a total of \$35,660.00 per the MAO

If you have any questions feel free to reach out.

Sincerely,

Brad Jensen (Water Quality Supervisor)



## Supplemental Environmental Project Application

Oregon Department of Environmental Quality

Office of Compliance and Enforcement

700 NE Multnomah St., Suite 600

Portland OR 97232

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State of Oregon  
Department of  
Environmental  
Quality

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Case Name and No. City of Silverton, Case No. WQ-M-WR-2022-015

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**Project Contact:** Brad Jensen, Water Quality Supervisor

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**Type of Project (choose one):**

- Pollution Prevention** – preventing waste or pollution at the source, by conserving energy or natural resources, or by making process changes (such as chemical substitutions) or by making a process more efficient so that less waste is created for a given amount of product.
- Pollution Reduction** – reducing the amount and/or danger presented by some form of pollution, often by providing better treatment and disposal of the pollutant.
- Public Health Protection** - an example is the medical examination of residents in a community to determine if anyone has experienced any health problems because of the violations at issue.
- Environmental Restoration and Protection** –improving the condition of the land, air or water in the area damaged by the violation. For example, restoring a wetland or planting trees along a riparian zone to reduce erosion and provide shade for improved water quality.
- Emergency Planning and Preparedness** – providing assistance to a responsible state or local emergency response or planning entity. Such assistance may include the purchase of computers and/or software, communication systems, chemical emission detection and inactivation equipment, HAZMAT equipment or training.
- Assessments and Audits** to determine if the Respondent is causing any other pollution problems or can run its operation better to avoid future violations.

**Environmental Compliance Promotion**- providing training or technical support to other members of the regulated community to achieve, or go beyond, compliance with applicable environmental requirements.

**Other Projects** that have environmental merit but do not fit within the categories listed above.

**Who is conducting the project?** (i.e. Respondent or third party entity such as a watershed council or other nonprofit organization)

Pudding River Watershed Council

**Location where project will take place:** 300 Coolidge St. and 100 W Main St, Silverton, OR 97381

**Project description (Please attach an extra sheet of paper, if necessary):**

Please refer to the attachment.

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#### **What environmental benefits are expected?**

There are multiple benefits expected from enhancing the riparian forest along Silver Creek:

- Improved water quality through enhanced filtration of sediments and pollutants.
- Enhanced terrestrial and aquatic habitat benefiting multiple taxa.
- Increased biodiversity and preservation of native plant species.
- Protection of stream banks from erosion and stabilization of soil.
- Contribution to Carbon sequestration, aiding in the reduction of greenhouse gas emissions.
- Creation of natural corridor and connectivity for wildlife movement.

#### **How will you measure/assess the benefits?**

Photo point monitoring will be conducted to document the success of the invasive plant management and reintroduction of native plant species.

Volunteer plot survey opportunities will be provided to Silverton High School students. Records will be maintained by PRWC.

**What is the total projected cost of the project? Explain.** (Qualifying costs are all reasonable costs of executing the SEP and may include costs of preparing the SEP proposal, costs of materials and services, wages paid to employees (appropriate to the work), and wages and proportional overhead for employees of a third party executing the project. Qualifying costs do not include entertainment or refreshment costs related to the SEP.)

Please refer to the attachment.

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**What is the timeframe for the project (most projects are completed within one year)?**

Include milestones and final completion date.

Summer 2023 to Fall 2025 - for details, please refer to the attachment.

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Date : 6/22/2023

Signature Bradley.Jensen  
Bradley.Jensen [Jun 22, 2023 12:59 PDT]

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June 22, 2023

Brad Jensen, Travis Sperle  
City of Silverton  
306 South Water Street  
Silverton, OR 97381

Brad and Travis:

**Re: Supplemental Environmental Project for Civil Penalty Case No. WQ-M-WR-2022-015**

Per your request, we prepared the following scope of work to provide design and project management in support of the above referenced project.

**PROJECT UNDERSTANDING**

The City of Silverton agreed to pursue a Supplemental Environmental Project, awarding Pudding River Watershed Council funding to implement an environmental restoration project, including public awareness objectives.

After evaluating several alternatives, the proposed 2-acre project site is focused on Silver Creek and is adjacent to Coolidge McClaine Park. The property is owned by the City of Silverton. The scope and scale were developed through consultation with community members and restoration contractor, J Franco Reforestation. The area of interest is the south end of Coolidge McClaine Park. The vision for the area is a long-term, managed greenspace that will benefit watershed function and park patrons. These benefits highlight the significant role that riparian reforestation plays in maintaining the ecological balance and functioning of freshwater ecosystems, ultimately serving both the environment and the communities that depend on the vital resources provided by Silver Creek.

At present, the riparian forest habitat along Silver Creek is negatively impacted by invasive weed species (English ivy, Himalayan blackberries, and clematis). Riparian and upland forest health is impaired due to climbing vines which limit the growth of native understory shrubs and herbaceous ground covers. Because the reforestation project site is located on a highly visible public property, implementing a small-scale revegetation project, and including community volunteers will result in increased watershed literacy. Additionally, the opportunity exists to install an interpretive sign created by a local artist at a location on an existing sidewalk overlooking Silver Creek at Town Square Park. The interpretive sign will highlight the ecosystem services provided by the creek and provide viewers with tips for watershed stewardship.

**SCOPE OF SERVICES**

Based on our project understanding, we intend to provide the following services:

**Task 1 – Project Development and Management**

Task 1 budget covers time spent performing project management and administration duties, including correspondence, coordination, and documentation related to our performance of the work. This task includes the development of interpretive information and ordering of supplies. Effective project management and administration are critical to ensuring that the work is performed on schedule, on budget, and to a high level of quality, using pertinent available information.



## Task 2 – Supervising Subcontractor and Volunteer Work Parties

Task 2 budget covers time spent contracting with reforestation and construction professionals and overseeing the successful completion of objectives. Budgeting for Task 2 includes contractor expenses and supplies for volunteers.

## Task 3 – Documenting and Reporting

Task 3 budget covers time spent to determine project progress, develop documentation about project status, and providing reports to the City of Silverton. Time covers the development of public awareness initiatives, e.g., presentation of information to the City of Silverton City Council.



Photo 1. Current Conditions – English ivy



Photo 2. Stock image of a cantilevered 2'X3' sign to be developed and installed overlooking Silver Creek.



Figure 1. Location Map

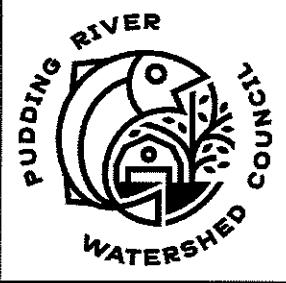


Activity	Timeframe	Lead
Develop verbiage and graphics for interpretive sign	Q3, Q4 - 2023	PRWC
Engage adjacent residents, inform about restoration plans, delineate sensitive area, provide public information	Q3 - 2023	PRWC
Site preparation, mechanical and herbicide	Q3, Q4 - 2023	JFranco
Volunteer willow planting near streambank	Q1 - 2024	PRWC
Site preparation, herbicide	Q2 - 2024	JFranco
Native seed planting	Q2 - 2024	PRWC
Volunteer ivy management	Q2 - 2024	PRWC
Site planting – contractor and volunteer	Q4 - 2024	JFranco/PRWC
Weed management – circle spray	Q2 - 2025	JFranco
Plant stewardship – mulching, watering	Q3 - 2025	PRWC/COS
Site monitoring and maintenance – COS responsible 2025 >	Q3 – 2025	COS

**Figure 2.** Timeline of Activities

EXPENSE	QUANTITY	UNIT	COST / UNIT	IN-KIND	SEP FUNDS	TOTAL
<b>Salary and Contractors</b>						
PRWC Project Coordination/Management	210	Hrs	45		9,450	9,450
Reforestation Contractor						
Site preparation mechanical	50	Hrs	60		3,000	
Site preparation herbicide spot and area spray	2	Acres	400		800	
Site preparation herbicide spot and area spray	2	Acres	400		800	
Site preparation herbicide spot and area spray	2	Acres	400		800	
Site planting late winter	2,450	Plantin	0.7		1,715	
Plant establishment and maintenance	2	Acres	400		800	
Plant establishment and maintenance	2	Acres	400		800	
Contingency for contractor work	30.6	Hrs	60		1,834	
						10,549
Volunteer plant stewardship - mulching watering	40	hrs	20	800		
Volunteer ivy management	40	hrs	20	800		
Sign installation - COS crew	8	hrs	60	480		
Local artist commission for sign	1	each	4,000		4,000	4,000
<b>Materials</b>						
herbaceous plugs	750	each	1		863	862
seed mixture	2	lbs	25		50	50
bareroot plants, cuttings	1,716	each	1		1,716	1,716
Interpretive sign and shipping	1	each	1,900		1,900	1,900
<b>TOTAL PROJECT COSTS</b>				2,080	28,528	30,608

**Figure 3.** Budget Estimates



Pudding River Watershed Council  
190 Garfield Street  
Woodburn, Oregon 97071  
[kurt@puddingriverwatershed.org](mailto:kurt@puddingriverwatershed.org)

# Invoice

BILL TO:

**City of Silverton**

**INVOICE #**

0127

**DATE**

6/22/23

**INVOICE DUE DATE**

Net 60 Days

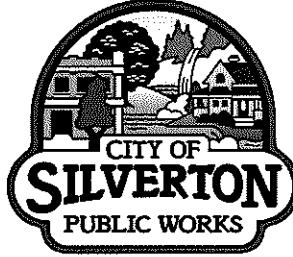
DATE	DESCRIPTION	AMOUNT
05/01/23 - Summer 2025	Contractor - Three rounds of site prep, one round of plant installation, two rounds of planting maintenance on two acres of project site	\$10,549
Fall 2024	Plant Materials - 2,500 herbaceous and woody bare root plants, native seed mixture for erosion control	\$2,629
05/01/23 - Summer 2025	Pudding River WC Project Management - Project design, planning, oversight, volunteer engagement and coordinator, and administration - Estimated at 210 hours	\$9,450
Summer 2024	Interpretive Sign design, production, shipping, and art for sign	\$5,900

**NOTES:**

Invoice is for Implementation and construction of DEQ Supplemental Environmental Project in Coolidge McClaine Park along Silver Creek in Silverton, OR. Pudding River WC is proud to partner with the City of Silverton on this project and is confident that this project will provide a benefit to Silver Creek and the Silverton community.

**TOTAL**

**\$28,528.00**



## CITY OF SILVERTON Water Quality

400 Schemmel Lane | Silverton, Oregon 97381

May 23, 2023

Oregon DEQ

**RE: WQ-M-WR-2022-015**

**NPDES Permit No.101720**

**Civil Penalty MAO II Final Order (sec. (2) a.i, ii)**

Attached are the Permit Issued to Diana Foods and a report for Tillamook Country Smoker. This document should insure compliance for the MAO section stated above.

The Permit for Diana Foods was previously sent to Etsegenet Belete and Bradley Eagleson from Oregon DEQ for review and acceptance.

The report for Tillamook Country Smoker was done with City staff along with Tillamook Country Smoker.

If you have any questions feel free to reach out.

Sincerely,  
Brad Jensen (Water Quality Supervisor)

A handwritten signature in black ink, appearing to read "Brad Jensen".

yCITY OF SILVERTON  
PUBLIC WORKS WATER QUALITY DIVISON

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

PERMIT NO. 3272023-1

In accordance with all the terms and conditions of the City Municipal Code 13.52 Restricted Discharges and Pretreatment sections 010 – 380 and also with any applicable provisions of Federal or State law or regulation Permission is hereby granted to:

INDUSTRY NAME	Diana Naturals, Inc.
ADDRESS	PO Box 157
CITY, STATE ZIP	SILVERTON, OREGON 97381

To discharge industrial wastewater into the sanitary sewer system of the City of Silverton at a point located at

ADDRESS	1702 Eska Way
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This permit is granted in accordance with the application filed on March 6, 2023, in the office of the Public Works Director and in conformity with the plans, specifications, and other data submitted and revised in support of the above permit, together with the following named conditions and requirements.

This permit shall become effective on May 19, 2023, and shall expire at midnight on May 19, 2028.

APPROVED THIS 19<sup>th</sup> DAY OF May, 2023.

Travis Spurle  
PUBLIC WORKS DIRECTOR

PART 1 – DEFINITIONS AND PROHIBITIONS

A. DEFINITIONS

1. Bi-Weekly – Once every other week.
2. Bi-Monthly – Once every other month.
3. Bypass – Means the intentional diversion of wastes from any portion of a treatment facility.
4. Composite Sample – A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composed either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at

time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. The sampling time duration will be specified (i.e. 8-hour, 12-hour, or 24-hour). Composite samples shall contain a minimum of four (4) discrete sample aliquots.

5. Cooling Water –
  - a. Uncontaminated: Water used for cooling purposes only, which has no direct contact with any raw material, intermediate, or final product, and which does not contain a level of contaminants detectably higher than that of the intake water.
  - b. Contaminated: Water used for cooling purposes only, which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
6. Daily Maximum – the maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day. Discharges in excess of the Daily Maximum Limit are in violation of this permit.
7. Grab Sample – An individual sample collected in less than 15 minutes, without regard for flow or time.
8. Instantaneous Maximum Concentration – The maximum concentration allowed in any single grab sample.
9. Monthly Average – The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).
10. Surcharge Limit – a base limit for the conventional pollutants (BOD, COD, TSS, or TDS), which when exceeded will result in a surcharge. Where surcharge limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where surcharge limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
11. Upset – Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance, or lack thereof.
12. Weekly Average – The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

#### B. PROHIBITED DISCHARGE STANDARDS

40 CFR 403.5(a) (1) - *General prohibitions.* A User may not introduce into a Publicly Owned Treatment Works (POTW) any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each

User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.

The permittee shall comply with all the general prohibited discharges in of the Industrial Waste Ordinance SMC 13.52.050 and 40 CFR 403.5(b). Namely, the industrial user shall not discharge the following substances to the POT.

1. Pollutants which create a fire or explosive hazard in the municipal wastewater collection system and POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.12.
2. Any wastewater having a pH less than 5.0 or more than 11.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.
3. Solid or viscous substances in amounts which will cause obstruction of the flow to or within the POTW resulting in interference, but in no case solids greater than 0.5 inches in any dimension.
4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD<sub>5</sub>, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause pass through or interference with the POTW or any wastewater treatment or sludge process; or which will constitute a hazard to human or animal life.
5. Any wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the water temperature at the introduction into the treatment plant to exceed 104°F (40°C).
6. Petroleum oil, nonbiodegradable cutting oil, or products or mineral oil origin in amounts that will cause interference or pass through. Any discharge of such oil is limited to 100 mg/l.
7. Any discharge of fats, oils, or greases of animal or vegetable origin in a concentration greater than 100 mg/l.
8. Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
9. Any trucked or hauled pollutants, except at discharge points designated by the Public Works Director or Designee in accordance with Section.
10. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
11. Any wastewater which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes or vegetable tanning solutions, and which

consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

12. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Public Works Director or Designee in compliance with applicable State or Federal regulations.
13. Any wastewater causing the effluent from the treatment plant to fail a toxicity test.
14. Any wastes containing detergents, surface active agents, or other substances which cause excessive foaming in the POTW.

## PART 2 – AUTHORIZATION TO DISCHARGE

### A. OUTFALL DESCRIPTION

During the period of May 19, 2023 to May 19, 2028, the permittee is authorized to discharge wastewater to the City of Silverton sewer system from the outfall(s) listed below.

Description of outfalls:

<u>Outfall</u>	<u>Descriptions</u>
1	Composite Sampler located in Treatment Shed
2	Man Hole in Parking lot

### B. EFFLUENT LIMITATIONS

During the period of May 19, 2023 to May 19, 2028, the discharge of process wastewater from Outfall 001 or 002 shall not exceed the following effluent limitations. Effluent from this outfall consists of plant wastewater only.

### EFFLUENT LIMITATIONS

<u>Parameter</u>	<u>Daily Max (mg/l)</u>	<u>Monthly Avg (mg/l)</u>
Biochemical Oxygen Demand (BOD)	1,200 (1)	N/A
Total Suspended Solids (TSS)	1,500 (1)	N/A
Total Dissolved Solids (TDS)	4,400 (1)	N/A
For Biochemical Oxygen Demand (BOD) Total Suspended Solids (TSS)		5% of the Silverton Waste Plant Monthly Average Load
pH	5.0 – 11.5 s.u.	

**C. OTHER DISCHARGE REQUIREMENTS**

All discharges shall comply with all other applicable laws, regulations, standards, and requirements of the City of Silverton and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

**PART 3 – MONITORING REQUIREMENTS**

**A. PARAMETERS AND FREQUENCY**

From the period beginning on the effective date of the permit until May 19, 2028, the permittee shall monitor Outfall 001 and 002 for the following parameters, at the indicated frequency:

Sample <u>Parameter (mg/9)</u>	Measurement <u>Location</u>	Sample <u>Frequency</u>	Sample <u>Type</u>
Biochemical Oxygen Demand (BOD)	(1)	Weekly	Composite
Total Suspended Solids (TSS)	(1)	Weekly	Composite
Total Dissolved Solids (TDS)	(1)	Weekly	Composite
pH	(1)(2)	Weekly	Composite/Grab
Flow (MGD)	(1)	Daily	Metered (5)
Ammonia	(1)	Weekly	Composite

- (1) See Part 9 for a diagram identifying sample location(s).
- (2) Composite samples shall contain a minimum of four (4) discrete sample aliquots.
- (3) Report pH of one grab sample, or if metered, report high and low pH for the sampling period.
- (4) Daily flows are to be recorded from the permittee's flow meter. The permittee is required to report average daily flow and total monthly flow for the sampling period.

**(City conducts monitoring of the following Parameters. BOD, TSS, Ammonia, and TDS in lieu of the Industrial User.)**

**B. REQUIREMENTS UNDER 40 CFR 136**

All sampling and analysis required by this permit, including the handling and preservation of collected samples, shall be performed in accordance with 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in this permit.

**C. REPRESENTATIVE SAMPLING**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to, and the approval of, the Public Works Director or Designee.

**D. FLOW MEASUREMENTS**

If, flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices

shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

E. DILUTION

The permittee shall not increase the use of potable or process water or, in any way; attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

## PART 4 – REPORTING REQUIREMENTS

All reports required by this permit shall be submitted to the City of Silverton at the following address:

City of Silverton  
Public Works Director  
306 S. Water Street  
Silverton, OR 97381  
[waterquality@silverton.or.us](mailto:waterquality@silverton.or.us)

A. SELF-MONITORING REPORTS

Monitoring information required by this permit shall be summarized and submitted on an Industrial User Self-Monitoring Report Form (Approved by the City of Silverton) once per month. The reports shall be submitted to the Public Works Director or Designee. Reporting periods shall end on the last day of the month. The Industrial User Self-Monitoring Report shall be submitted no later than the 15<sup>th</sup> day following the end of the reporting period. The reporting period shall begin June 1, 2023. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the calendar month preceding the submission of the report. The following information must be included on each report:

1. The date, exact place and time of sampling;
2. The dates the analyses were performed;
3. Who performed the analyses; who performed the sampling or measurement;
4. Type of analytical techniques or methods used;
5. Type of sample (grab, sample composite, or flow-proportioned composite);
6. Results of all required analyses; and
7. The instantaneous flow at grab sample collections (if applicable).

B. ADDITIONAL MONITORING

If the permittee monitors any pollutant more frequently than required by this permit using test procedures identified in Part 3.B. above, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge, and the results shall be reported in the monthly report submitted to the City of Silverton. Such increased monitoring frequency shall also be indicated in the permittee's self-monitoring reports.

### **C. EFFLUENT LIMIT VIOLATION REPORT**

If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must:

1. Inform the City of Silverton within 24 hours of becoming aware of the violation. This notification may be made by telephone to the Public Works Director at 503-873-8679 or Designee at 503-873-5439.
2. Repeat the sampling and pollutant analysis for the parameter(s) violated, and submit, in writing, the results of this second analysis within thirty (30) days after becoming aware of the violation.
3. The actions described in 1 and 2 above are not required for the conventional pollutants of BOD, TSS, Ammonia, TDS, and pH when the Surcharge Limit is exceeded. If the Daily Maximum Limit for any of the conventional pollutants is exceeded (See Part 2. Section B), the requirements of 1 and 2 above apply.

### **D. ACCIDENTAL DISCHARGES, SLUG DISCHARGES, OPERATING UPSETS**

The permittee shall notify the City of Silverton immediately upon the occurrence of an accidental discharge of substances prohibited by Chapter 13 Section 52.050 of the Silverton Municipal Code. Any permittee that experience a slug discharge or an upset in operations that place the permittee in a temporary state of noncompliance with the provisions of either this permit or with the City of Silverton Municipal Code, shall inform the City of Silverton within 24 hours of becoming aware of the upset. During normal business hours, the City shall be notified by telephone at 503-873-5439. After 5 p.m. Monday – Friday, on weekends and holidays, the City should be notified at 503-991-3462.

The notification shall include the location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws.

Within five (5) working days following an accidental discharge, slug discharge, or operating upset, the permittee shall submit to the City of Silverton a detailed written report. The report shall specify:

1. Description and cause of the accidental discharge, slug discharge, or operating upset, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration, and volume of waste.
2. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such accidental discharge, slug load, or operating upset, or other condition of noncompliance.
4. The potential danger to human health or safety, or to the environment. The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner. A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

**(Industrial User within 90 days of this Permit Issuance shall provide a copy of the Slug Control Plan)**

#### E. PLANNED CHANGES

The permittee shall give notice to the City of Silverton 90 days prior to any facility expansion, production increase, or process modification which results in new or substantially increased discharges or a change in the nature of the discharge.

#### F. ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice to the City of Silverton of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

#### G. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the City of Silverton within 45 days any information which the City may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to the City of Silverton within 45 days copies of any records required to be kept by this permit.

#### H. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the City of Silverton must contain the following certification statement.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All documentation containing the certification statement must be signed as required below:

1. By a responsible corporate officer, if the Industrial User submitting the report(s) is a corporation. For the purpose of this paragraph, a responsible corporate office means:
  - a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operation facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.
3. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or local governmental entity, or their agents.
4. By a duly authorized representative of the individual designated in paragraph (1), (2), or (3) of this section if:
  - a. The authorization is made in writing by the individual described in paragraph (1), (2), or (3).

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - c. The written authorization is submitted to the City.
5. If an authorization under paragraph (4) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph (4) of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

## I. FALSIFYING INFORMATION

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

## PART 5 – INSPECTIONS AND RECORDS

### A. INSPECTIONS AND ENTRY

The permittee shall allow duly authorized employees of the City, State and EPA, or an authorized representative, upon the presentation of proper credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
4. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
5. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

### B. RETENTION OF RECORDS

1. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application.

This period may be extended by request of the City of Silverton at any time.

2. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Silverton, shall be retained and

preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

## PART 6 – GENERAL PERMIT CONDITIONS

### A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

### B. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliant discharge.

### C. PERMIT MODIFICATION

This permit may be modified for good causes including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
3. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City's collection and treatment systems, plant or associated personnel, or the receiving waters;
5. Violation of any terms or conditions of this permit;
6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
7. Revision of, or a grant of variance from, such categorical standards pursuant to 40 CFR 403.13 (as applicable);
8. To correct typographical or other errors in the permit;
9. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

### D. PERMIT REVOCATION

This permit may be revoked for the following reasons:

1. Falsifying self-monitoring reports;
2. Tampering with monitoring equipment;
3. Refusing to allow timely access to the facility premises and records;
4. Failure to meet effluent limitation;
5. Failure to pay fines;
6. Failure to pay sewer charges (including surcharges); or
7. Failure to meet compliance schedules.

**E. PROPERTY RIGHTS**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

**F. LIMITATION ON PERMIT TRANSFER**

Permits are nontransferable without, at a minimum, prior notification to and approval of the Public Works Director and provision of a copy of the existing permit to the new owner or operator and upon meeting the following conditions:

1. The permittee must give at least thirty (30) days advance notice to the City;
2. The notice must include a written certification by the new owner which:
  - a. States that the new owner has no immediate intent to change the facility's operations and processes;
  - b. Identifies the specific date on which the transfer is to occur; and
  - c. Acknowledges full responsibility for complying with the existing permit.

**G. DUTY TO REAPPLY**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit an application for a new permit at least 90 days before the expiration date of this permit.

**H. CONTINUATION OF EXPIRED PERMITS**

An expired permit will continue to be effective and enforceable until the permit is reissued if:

1. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit; and
2. The failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

**I. REOPENER CLAUSE**

1. This permit may be reopened and modified to incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

**J. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**PART 7 – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

**A. PROPER OPERATION AND MAINTENANCE**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

**B. CALIBRATION OF pH METER**

Calibration of pH Meters must be performed bracketing the expected pH of the water/wastewater; three-point calibration of 4, 7, & 10). The pH probe must be removed from the flow and calibrated, at a minimum, once per week.

The permittee shall maintain a pH Meter Calibration Log documenting all pH meter calibrations and checks. This log shall be maintained on-site for at least 3 years, and at a minimum, include the following: date and time, pH standards used, and initials of pH analyst.

**C. DUTY TO HALT OR REDUCE ACTIVITY**

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**D. BYPASS OF TREATMENT FACILITIES**

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage, or no feasible alternatives exist.
2. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
3. Notification of bypass:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the City of Silverton, Water Quality Supervisor or Public Works Director
  - b. Unanticipated bypass. The permittee shall immediately notify the City of Silverton and then submit a written notice to the City within five (5) working days. This report shall specify:
    - 1) A description of the bypass, and its cause, including its duration;
    - 2) Whether the bypass has been corrected; and
    - 3) The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

**E. REMOVED SUBSTANCES**

Solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

**PART 8 – ENFORCEMENT**

**A. CIVIL AND CRIMINAL LIABILITY**

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under City Codes or State or Federal laws or regulations.

**B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS**

Chapter 13, Section 52.340 of the Silverton Municipal Code provides that any person who violates a permit condition is subject to a civil penalty. The permittee may also be subject to sanctions under State and/or Federal law.

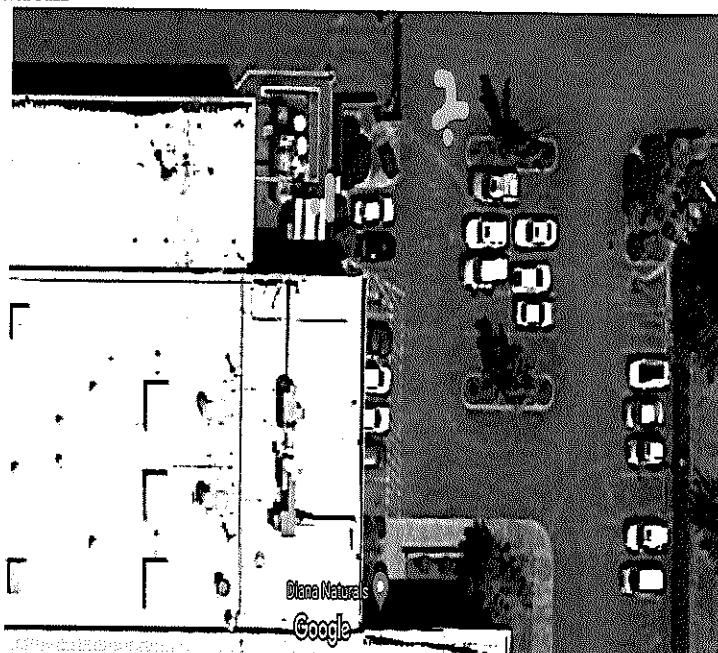
**C. RECOVERY OF COSTS INCURRED**

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit, or Chapter 13, Section 52 of the Silverton Municipal Code, or causing damage to, or otherwise inhibiting the City of Silverton wastewater disposal system, shall be liable to the City of Silverton for any expense, loss, or damage caused by such violation or discharge. The City of Silverton shall bill the permittee for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of the City's Industrial Waste Ordinance.

**D. AFFIRMATIVE DEFENSE**

An event that would otherwise be a violation that is caused solely by an Act of God, war, strike, riot, or other catastrophe is not a violation according to the Oregon Water Code

**PART 9 – Sample Locations**



Sample Location #1

Sample Location #2





# CITY OF SILVERTON Water Quality

400 Schemmel Lane | Silverton, Oregon 97381

May 23, 2023

Oregon DEQ

**RE: WQ-M-WR-2022-015**

**NPDES Permit No. 101720**

**Civil Penalty MAO II Final Order (sec 2. A. ii)**

Per the final order section II Final Order the City has been in contact with Tillamook Country Smoker (TCS). The following is a description of the process at that Facility.

Marination of plant based protein using salt, sugar, flavorings plant based oils and water. Extra brine is lost to the floor and sent to onsite wastewater for treatment.

Sanitation activities which uses significant water volume to clean equipment daily. Water stream contains protein, water, salt, sugars, oil and grease. Cleaners used are primarily sodium hydroxide based with chlorine and quaternary ammonium.

Wastewater is held in EQ tank and aerated to allow micro population to consume materials present. Dwell time varies from 12hr to 72 hours based on production. From EQ tank water is treated for pH (goal is roughly neutral with a target of 5-8) and subjected to a polymer combination in a DAF to remove solids and as much solubilized materials as possible. Solids collected from DAF are dewatered and sent for disposal. Treated water is then sent to the city for further processing. Polymers used are from Nalco and are Ultrion 8187 and Core Shell 71301. SDS and spec sheets can be provided as needed.

Current potable water flows is roughly 50,000 gallons per day. The City along with TCS is trying to identify the actual flow to the waste water system.

If the City and TCS can't get actual flow data from the waste stream side the City will issue an industrial Permit to Tillamook Country Smoker.

Sincerely,

Brad Jensen (Water Quality Supervisor)

A handwritten signature in black ink, appearing to read "Brad Jensen".



## CITY OF SILVERTON Water Quality

400 Schemmel Lane | Silverton, Oregon 97381

August 1, 2023

Oregon DEQ

**RE: WQ-M-WR-2022-015**

**NPDES Permit No.101720**

**Civil Penalty MAO (II) Final Order (sec. (2)(b.)**

Attached is the document outlined in Section 2, subsection b. By September 1, 2023

If you have any questions feel free to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Jensen".

Brad Jensen (Water Quality Supervisor)

**CITY OF SILVERTON  
NPDES Permit No. 101720**

## **INDUSTRIAL USER SURVEY**

**(Submitted August 1, 2023)**

Per the requirements of 40 CFR 403.8(f)(2)(i-iii) The City of Silverton is to submit to the Department of Environmental Quality an Industrial User Survey suitable to make a determination as to the need for development of a pretreatment program.

**40 CFR 403.8(f)(2)(i-iii): Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program.**

The City has compiled a master list of all industries in the public sewer service area that discharge to the Public Owned Treatment Works. In order to identify all potential industrial users, City staff consulted the following sources:

1. Water and Sewer Utility Billing records
  2. Business License records

Nonresidential wastewater dischargers were inventoried and evaluated. The master list included retail outlets, medical facilities, equipment rental businesses, churches, health clubs, transportation, beauty/barber shops, offices, motels, and pharmacies. These businesses were eliminated from further evaluation as their discharge does not contain the volume or type of significant pollutants that cause impact on the local wastewater treatment process.

The master list also included several business classifications that the city considers ongoing pollution prevention opportunities. The classifications include:

Food Service  
Pollution concerns:

1. Grease trap/interceptor maintenance.
  2. Janitorial cleaning products on-site.
  3. Dishwasher discharge temperature/plumbing connection.
  4. Grill cleaning residuals.
  5. Solid waste handling.

**Laundries** 3 businesses (no dry cleaning on-site)  
**Pollution concerns:**

1. Temperature of Discharge
  2. Contract/industrial laundry service (none, presently)

Auto or other Repair  
Pollution Concerns: 26 businesses

1. Waste fluid handling/storage.
  2. Oil/water interceptor maintenance.
  3. Chemical/paint use and storage.
  4. Paint booth maintenance.
  5. Floor wash-down procedures.
  6. Part degreaser and solvent use/management.

Hospital/Medical Clinics 13 businesses  
Pollution Concerns:

1. Janitorial chemical usage.
  2. Frequency and amount of boiler blowdown.
  3. Procedures for handling biohazard waste.
  4. Quantity of radionuclide use/storage/discharge.
  5. Food service pollution.

Photo/Print Shops 4 businesses  
Pollution Concerns:

1. On-site film processing or plate development.
  2. Silver reclamation/management procedures.
  3. Silkscreen/photo sensitive developer handling.

Schools 6 Campuses  
Pollution Concerns:

1. Food service management.
  2. Janitorial chemical usage/storage.
  3. Science laboratory chemical usage/storage.
  4. Auto mechanic/art department material handling.

Veterinary Clinics/Animal Service                  6 businesses

#### Pollution Concerns:

1. Chemical usage and storage.
  2. Washing bath detergents and hair clogging.
  3. Animal waste management.
  4. Biohazard waste handling.

Dentists 8 businesses  
Pollution Concerns:

1. Quantity or radionuclide use/storage/discharge.
  2. Amalgam storage/disposal/recycling.
  3. Dental chair drain traps maintenance procedures.
  4. Active recycling program for x-ray fixer/lead foil.

**403.8(f)(2)(ii): Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified by the Waste Survey**

The City has identified two local industries that would potentially fall within the federal definition of a “Significant Industrial User”. That is, an industry subject to categorical pretreatment standards, or discharges an average of 25,000 gallons per day or more or process wastewater, or contributes process wastewater making up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or violates a pretreatment standard.

**Silverton Significant Industrial Dischargers**

**Diana Naturals**

Diana Naturals processes seasonal fruits and vegetables to produce spices and seasonings which are distributed to wholesale customers throughout the world. Production consists of importing local fruits and vegetables which are cleaned, cooked, dried (dehydrated), and ground into fine powder, to which spices are added to create custom seasonings.

The facility uses a micro drum screen to removes TSS prior to discharging into the City's collection system. The pretreatment facility includes pH control, flow monitoring, and a composite sampler which is provided for the City's use for ongoing monitoring of the process wastewater discharge. Diana is assessed an industrial surcharge for flow, BOD and TSS.

Diana foods has been placed and issued a permit as an Industrial User in the City of Silverton. Effective March of 2023. This information has been sent to Oregon DEQ and has been approved.

**Tillamook Country Smoker**

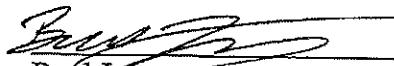
Tillamook Country Smoker produces plant based protein using salt, sugar, flavorings with plant based oils and water. Extra Brine is lost to the floor and sent to an onsite Wastewater Treatment System which includes an equalization tank (EQ Tank) with aeration for the micro population to consume materials present. EQ Tank water is treated for pH and then polymer is added and sent into a dissolved air flotation (DAF) to remove solids. Solids that are collected are dewatered and sent for disposal. The treated water is then sent to the City's sewer system.

At this time the City and Tillamook are doing laboratory testing for BOD, TSS, and ammonia, and including water flow data. The likelihood of Tillamook becoming a Permitted Industrial User is high and the City will issue an Industrial User Permit when the data determines the change based on the City's Code.

**403.8(f)(2)(iii): Notify Industrial Users identified as subject to applicable Pretreatment Standards.**

At this time the City of Silverton has one industry that meets the federal definition of a Significant Industrial User. This entity is Diana Natural. Diana Natural has been notified of their status and has been issued an Industrial User Permit. Tillamook Country Smoker to follow.

City of Silverton

 8/1/2023  
Brad Jensen  
Water Quality Supervisor

## Report Criteria:

Business.License status = "Active"

Business Activity.Business activity = "Animal Svc", "Dental", "Food Processing", "Food Svc", "Repair", "School", "Printing Services", "Photography Serv", "Medical", "box-DONT USE-ProfSvc"

License Number	Business Name	License Expiration Date	License Status	Business Activity
7	CLAIRE E VARNEY DVM PC	12/31/2023	Active	Animal Svc
1430	GOOD GAL MOBILE GROOMING	12/31/2023	Active	Animal Svc
1196	PURPLE PET LADY LLC, THE	12/31/2023	Active	Animal Svc
1659	STYLIN PAWS DOGGY DAY SPAW	12/31/2023	Active	Animal Svc
<b>Total Animal Svc:</b>				4
1648	ACORN DENTISTRY FOR KIDS	12/31/2023	Active	Dental
362	BRYAN C JOHNSON DDS MS PC	12/31/2023	Active	Dental
826	MICHAEL KIM DDS PC	12/31/2023	Active	Dental
1383	MICHAEL M BLISS DMD PC	12/31/2023	Active	Dental
1925	OREGON DENTAL STUDIO 101	12/31/2023	Active	Dental
940	SILVER FALLS FAMILY DENTAL	12/31/2023	Active	Dental
999	SILVERTON FAMILY DENTISTRY	12/31/2023	Active	Dental
1436	SUMMIT CONTRACTORS GROUP	12/31/2023	Active	Dental
<b>Total Dental:</b>				8
9	DIANA NATURALS INC	12/31/2023	Active	Food Processing
2107	RAWBLEND JUICERY LLC	12/31/2023	Active	Food Processing
2367	TILLAMOOK COUNTRY SMOKER	12/31/2023	Active	Food Processing
<b>Total Food Processing:</b>				3
2354	AKATSUKI SUSHI BAR	12/31/2023	Active	Food Svc
2445	BEAN JUICE LLC	12/31/2023	Active	Food Svc
1969	BELOVED CHEESECAKES LLC	12/31/2023	Active	Food Svc
2191	CARTER HENRYS LLC	12/31/2023	Active	Food Svc
66	CHANS RESTAURANT	12/31/2023	Active	Food Svc
2212	CURBSIDE KITCHEN, THE	12/31/2023	Active	Food Svc
1163	EL CAPORAL TAQUERIA	12/31/2023	Active	Food Svc
1163	EL CAPORAL TAQUERIA	12/31/2023	Active	Food Svc
1215	EVERY DAY GOURMET	12/31/2023	Active	Food Svc
1333	GALLON HOUSE, THE	12/31/2023	Active	Food Svc
1496	GEAR-UP ESPRESSO	12/31/2023	Active	Food Svc
2203	GRAYSTONE EMPIRE LLC	12/31/2023	Active	Food Svc
2100	GUERRA'S	12/31/2023	Active	Food Svc
1940	HEAVENLY YOGURT	12/31/2023	Active	Food Svc
1973	HIGH WATER GRILL	12/31/2023	Active	Food Svc
48	HOME PLACE RESTAURANT	12/31/2023	Active	Food Svc
2044	HOPWATER LLC	12/31/2023	Active	Food Svc
328	IXTAPA INC	12/31/2023	Active	Food Svc
105	KFC & TACO BELL	12/31/2023	Active	Food Svc
2208	LITTLE LEAF CAFE	12/31/2023	Active	Food Svc
2327	LITTLE LEAF CAFE	12/31/2023	Active	Food Svc
204	LOS GIRASOLES	12/31/2023	Active	Food Svc
123	MACS PLACE	12/31/2023	Active	Food Svc
2317	MAGNOLIA GRILL & CATERING	12/31/2023	Active	Food Svc
2287	MAIN STREET BISTRO & BAR	12/31/2023	Active	Food Svc
96	MCDONALDS OF SILVERTON	12/31/2023	Active	Food Svc
2430	MESH DELI & MERCANTILE	12/31/2023	Active	Food Svc
1120	MILLTOWN PUB	12/31/2023	Active	Food Svc
2456	MOUNTAIN BURGERS	12/31/2023	Active	Food Svc
391	MOUNTAIN MAN NUT & FRUIT CO	12/31/2023	Active	Food Svc

License Number	Business Name	License Expiration Date	License Status	Business Activity
2336	OSO	12/31/2023	Active	Food Svc
886	PAPA MURPHYS PIZZA	12/31/2023	Active	Food Svc
1920	RATCHET BREWERY LLC	12/31/2023	Active	Food Svc
2348	RUSTIC MELT	12/31/2023	Active	Food Svc
2348	RUSTIC MELT	12/31/2023	Active	Food Svc
2322	SABOR TICO	12/31/2023	Active	Food Svc
2322	SABOR TICO	12/31/2023	Active	Food Svc
2459	SALS WONDER DOGS	08/05/2023	Active	Food Svc
1460	SANDEE THAI LLC	12/31/2023	Active	Food Svc
1539	SILVER FALLS BREAD COMPANY LLC	12/31/2023	Active	Food Svc
1703	SILVER FALLS BREWERY ALE HOUSE	12/31/2023	Active	Food Svc
2280	SILVERTON BAKE SHOP	12/31/2023	Active	Food Svc
931	SILVERTON COFFEE STATION	12/31/2023	Active	Food Svc
1931	SILVERTON GROUP INC	12/31/2023	Active	Food Svc
2201	STARBUCKS COFFEE #61108	12/31/2023	Active	Food Svc
352	SUBWAY	12/31/2023	Active	Food Svc
1994	TALEN PIZZA INC	12/31/2023	Active	Food Svc
63	THAI DISH CUISINE	12/31/2023	Active	Food Svc
1244	TJRF ENTERPRISES LLC	12/31/2023	Active	Food Svc
1244	TJRF ENTERPRISES LLC	12/31/2023	Active	Food Svc
1512	WILLAMETTE VALLEY PIE CO	12/31/2023	Active	Food Svc
<b>Total Food Svc:</b>				<b>51</b>
1254	HOPE FAMILY MEDICINE INC	12/31/2023	Active	Medical
1407	JAMES P NEALON MD PC	12/31/2023	Active	Medical
2432	LEANA SMITH LLC	12/31/2023	Active	Medical
1847	LIANA HATEGAN MD PC	12/31/2023	Active	Medical
2295	MOXY ESTHETICS LLC	12/31/2023	Active	Medical
1773	SHE SOARS PSYCHIATRY LLC	12/31/2023	Active	Medical
2007	SHINE PRACTICE LLC, THE	12/31/2023	Active	Medical
1806	SILVER CREEK FAMILY MEDICINE LLC	12/31/2023	Active	Medical
2420	SILVER CREEK NATURAL MEDICINE	12/31/2023	Active	Medical
13	SILVERTON PILL BOX	12/31/2023	Active	Medical
1698	TOWNSHIP HEALTH PC	12/31/2023	Active	Medical
1987	TRUE HEALTH DPC	12/31/2023	Active	Medical
101	UNGER FUNERAL CHAPEL	12/31/2023	Active	Medical
<b>Total Medical:</b>				<b>13</b>
2004	ANNIE SMITH PHOTOGRAPHY	12/31/2023	Active	Photography Servi
1301	JOESIMPRESSIONS	12/31/2023	Active	Photography Servi
35	PORTRAIT EXPRESS	12/31/2023	Active	Photography Servi
162	RAINBOW MEMORIES PHOTOGRAPHY	12/31/2023	Active	Photography Servi
<b>Total Photography Servi:</b>				<b>4</b>
1892	HOFMANN, JENNIFER	12/31/2023	Active	Printing Services
77	VICTORY PRINTS LLC	12/31/2023	Active	Printing Services
682	VILLAGE PRINT SHOP	12/31/2023	Active	Printing Services
964	ZEBRA PRINT	12/31/2023	Active	Printing Services
<b>Total Printing Services:</b>				<b>4</b>
1451	ACE ALL CLIMATE ENGINEERING LLC	12/31/2023	Active	Repair
2213	ALL CITY GLASS	12/31/2023	Active	Repair
2270	BENNETT FAMILY VENTURES	12/31/2023	Active	Repair
1466	BEST HEATING & COOLING	12/31/2023	Active	Repair

License Number	Business Name	License Expiration Date	License Status	Business Activity
1409	BUTTE CREEK COMPUTER SERVICE	12/31/2023	Active	Repair
1824	HILLS WET BLASTING LLC	12/31/2023	Active	Repair
33	HOLLAND COLLISION SERVICE	12/31/2023	Active	Repair
2010	INLAND ENVIRONMENTAL RESOURCES INC	12/31/2023	Active	Repair
2058	ISAAC'S PALLETS REPAIR	12/31/2023	Active	Repair
1608	JOHNSON CONTROLS	12/31/2023	Active	Repair
440	KEN ALTMAN-ARTISAN	12/31/2023	Active	Repair
2261	METRO OVERHEAD DOOR INC	12/31/2023	Active	Repair
1488	MIGA MOTOR COMPANY	12/31/2023	Active	Repair
2039	MOMENTUM METAL WORKS	12/31/2023	Active	Repair
750	MURPHY'S FIREPLACE & STOVES	12/31/2023	Active	Repair
2447	OTIS ELEVATOR COMPANY	12/31/2023	Active	Repair
2275	PERSONAL TOUCH MOBILE DETAILING	12/31/2023	Active	Repair
15	REDHEAD ENGINES	12/31/2023	Active	Repair
871	SCTC	12/31/2023	Active	Repair
340	SILVER CREEK AUTO BODY	12/31/2023	Active	Repair
178	SILVER CREEK CHIMNEY SWEEP	12/31/2023	Active	Repair
1725	SILVER LINING AUTO RESTORATION	12/31/2023	Active	Repair
812	SILVERTON AIRCOOLED	12/31/2023	Active	Repair
1377	SILVERTON IMPORT AUTO LLC	12/31/2023	Active	Repair
485	VALVOLINE LLC	12/31/2023	Active	Repair
1443	WEATHERS RESTORATION LLC	12/31/2023	Active	Repair
<b>Total Repair:</b>				<b>26</b>
887	BRIGHT BEGINNINGS CDC	12/31/2023	Active	School
1087	CIRCLE OF FRIENDS DAYCARE INC	12/31/2023	Active	School
2309	CIRCLE OF FRIENDS DAYCARE, INC	12/31/2023	Active	School
2263	LEARNING LOFT, THE	12/31/2023	Active	School
2258	LITTLE ACRES PRESCHOOL LLC	12/31/2023	Active	School
2288	SOLECITOS BILINGUAL PRESCHOOL LLC	12/31/2023	Active	School
<b>Total School:</b>				<b>6</b>
<b>Grand Totals:</b>				<b>119</b>

## Report Criteria:

Business.License status = "Active"

Business Activity.Business activity = "Animal Svc","Dental","Food Processing","Food Svc","Repair","School","Printing Services","Photography Serv","Medical","xx-DONT USE-ProfSvc"



# Wastewater Treatment Plant

## Harvest Operations Report

November 2023



Prepared by



SolidsDude Solutions LLC

# Silverton WWTP Harvest Operations Report

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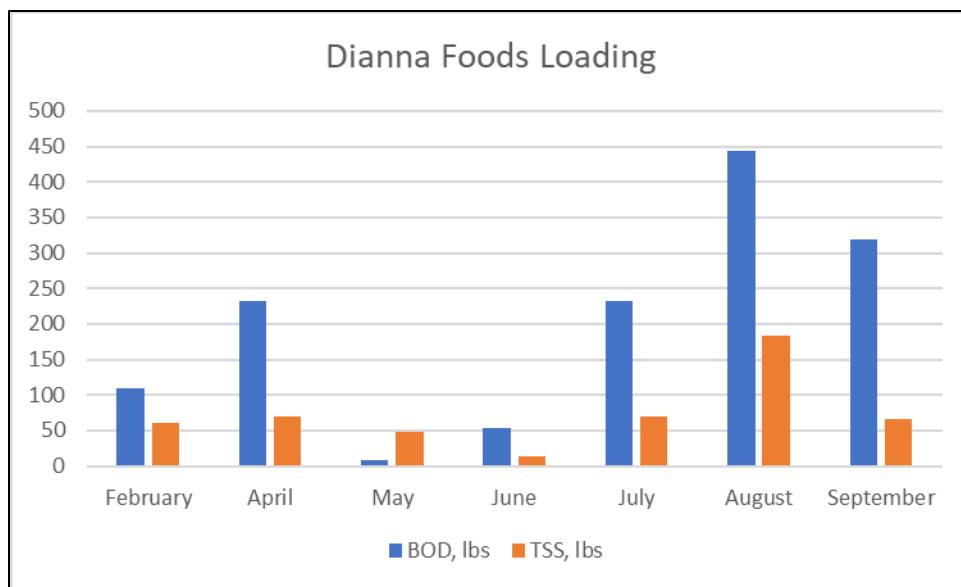
## 1.0 Introduction

In June of 2023 the city of Silverton contracted with Waterdude Solutions (WDS) to provide consulting services to assist with operation of the wastewater treatment facility during the food processing season. The WDS team included Andrew Grant, a process specialist from Solidsdude Solutions. The objective of this work was to ensure that the operation of the systems are optimized during the processing season. Another objective was to assist the city with identification of high strength wastewater discharge sources and how to manage slug loads.

WDS conducted weekly site visits to meet with staff, review operations, review data, and adjust operating strategies. Process control tools were developed and implemented to aid operations.

Operations staffing was adjusted to enable increased process control sampling and analysis during the harvest season. This sampling was instrumental in tracking and adjusting to changing influent characteristics.

Diana Foods processes corn annually during the harvest season. The processing facility includes pretreatment prior to discharge to the city sewer. This discharge represents a significant increase in organic loading to the treatment plant. The 2023 Harvest season began July 9, 2023 and ended October 17, 2023. Figure 1 shows Dianna Foods loading as calculated from discharge sample results prior to and during the harvest season.



**Figure 1.0**

This was the first year of increased monitoring of industrial dischargers. Tillamook Smoker and Dianna Foods will be monitored monthly to collect discharge loading data. The data from Dianna Foods discharge is not commensurate with the observed increase in loading at the

## Silverton WWTP Harvest Operations Report

treatment plant. Sampling location, frequency and amount of sample will be evaluated and adjusted for the 2024 harvest season.

Treatment performance during the harvest season was maintained with all effluent NPDES sample requirements below permitted levels. Table 1 provides a summary of effluent quality prior to and through the harvest season.

**Table 1.0**

Effluent Concentrations, mg/l				
NPDES Daily Limit	10 mg/l	10 mg/l	<0.88	No limit
Month	CBOD	TSS	NH3	NO3
May	2.1	5.8	0.06	15.2
June	1.8	6.6	0.05	24.1
July	1.9	9.0	0.05	23.7
August	2.3	5.2	0.08	20.7
September	1.6	3.1	0.21	17.5
October	1.7	5.4	0.07	19.2

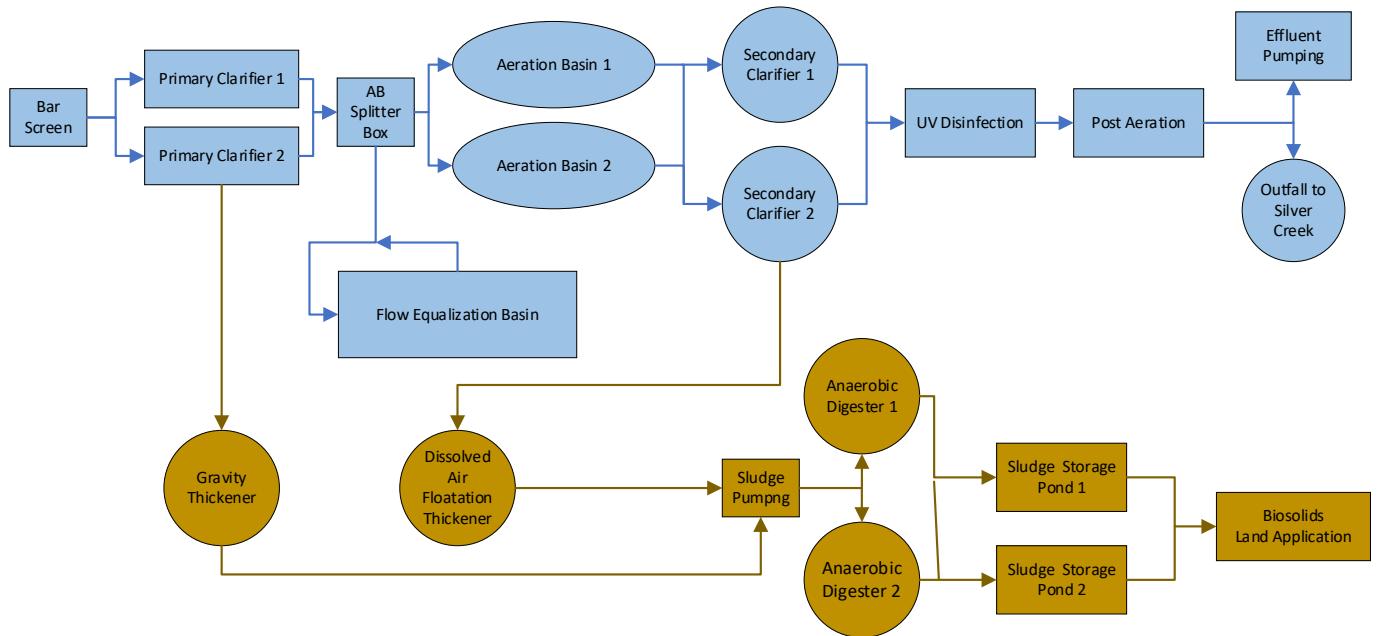
The effluent nitrate nitrogen is not a permitted parameter. This value is noted as it indicates that future process optimization is possible. The activated sludge process is currently operated in a fully aerated mode due to lack of monitoring and control. The system is designed to operate in an air on – air off mode to allow nitrate nitrogen to be consumed as oxygen when the air is off. This process is referred to as simultaneous nitrification denitrification (SNDN). When used this process will reduce both power and chemical demand. Section 2.3 includes a description of ongoing plans for secondary treatment process improvement.

The operations staff at the Silverton wastewater treatment plant were instrumental in ensuring facility performance was maintained throughout the harvest season. Staffing limitations, maintenance requirements and implementation of new strategies were met with enthusiasm and tenacity. The WDS team commends their efforts and dedication to water quality.

The remainder of this report focuses on process evaluation and optimization that took place during the 2023 harvest season.

## 2.0 Process Evaluation and Optimization

Process evaluation began with a site orientation and project kick off including WDS and city staff. The facility employs an activated sludge process for liquids treatment and anaerobic digestion for solids treatment. The activated sludge process is in a modified oxidation ditch configuration set up for simultaneous nitrification denitrification (SNDN). The process is currently operated in complete aeration mode. Solids are treated anaerobically and then stored in sludge storage ponds. Figure 1 provides a process flow diagram of the facility.



**Figure 2.0**

An initial review of existing process control and operations strategies highlighted the need for additional tools to aid with decision making. The operations and maintenance manual was scanned, and a design criteria table was developed for electronic reference.

Several new tools were introduced to the operations staff including a sampling plan, sampling and analysis schedule, a waste activated sludge calculator and process control memo. These tools are included in appendix A-D.

Process evaluation was continuous throughout the harvest season. Weekly site visits and data review was conducted as process meetings and plant walkthroughs. During these visits adjustments to operating strategies were made by operations staff.

## Silverton WWTP Harvest Operations Report

Design conditions are based on the criteria listed in the 1999 Operations and Maintenance manual and the 2007 Wastewater Facility System Master plan.

### 2.1 Influent Loading

The loading to the facility was measured by CBOD, TSS, and ammonia. Samples are taken Wednesdays and Thursdays and analyzed by a contract laboratory. Average daily flow to the facility during the period June 1 2023 to September 30, 2023 was 0.93 mgd. This represents approximately 50% of the average daily design flow. Facility design flows are shown in table 2.

2015 Design Flows, million gallons per day (mgd)	
Average Dry Weather	2.5
Maximum Month Dry Weather	4.3
Average Wet Weather	4.6
Maximum Month Wet Weather	6.6
Maximum Day Wet Weather Flow	10.0
Peak Hour Wet Weather Flow	12.0
Source: Silverton Wastewater Management Facilities, HDR Engineering 1998 Sheet 6	

Table 2.0

TSS and BOD loading to the facility was monitored throughout the harvest season. Design loading for the facility is not included in the design drawings or O&M manual. Dry weather design flows and loads were identified in the 2007 wastewater facility plan and are shown as table 2.1.

Design Flows and Loads	
Dry Weather Max Month	2.65
TSS / BOD, mg/l	357
TSS /BOD, lbs. Day	7,900
Source: 2007 Wastewater Facility System Master Plan	

Table 2.1

Table 2.3 summarizes the cBOD and TSS loading to the facility over the harvest season July through October 2023. Composite samples are collected on consecutive days, Wednesday, and Thursday. This is done to facilitate sample pickup and analysis by a contract laboratory.

Data shows monthly average concentrations exceed the design criteria. The influent loading is 50-60% of design due influent flows being lower than the 2.5 mgd average day design flow.

Operations will update the current sampling and analysis plan for the 2024 season that will include updated sampling strategies at industrial sites and the treatment plant. The goal of this effort is to obtain additional loading data on different dates and ensure representative sampling is obtained at the industrial sites.

## Silverton WWTP Harvest Operations Report

Influent Loading									
Monthly Average	Flow, mgd	CBOD, mg/l	% Design	CBOD, lbs.	% Design	TSS, mg/l	% Design	TSS, lbs.	% Design
Jun-23	0.94	398	111%	3,120	39%	299	84%	2,344	30%
Jul-23	0.85	353	99%	2,502	32%	292	82%	2,070	26%
Aug-23	0.90	413	116%	3,100	39%	310	87%	2,327	29%
Sep-23	1.00	557	156%	4,645	59%	477	134%	3,978	50%
Oct-23	1.19	298	83%	2,945	37%	382	107%	3,775	48%

Source data monthly DMRs; Source design loading per 2007 Master Plan

**Table 2.3**

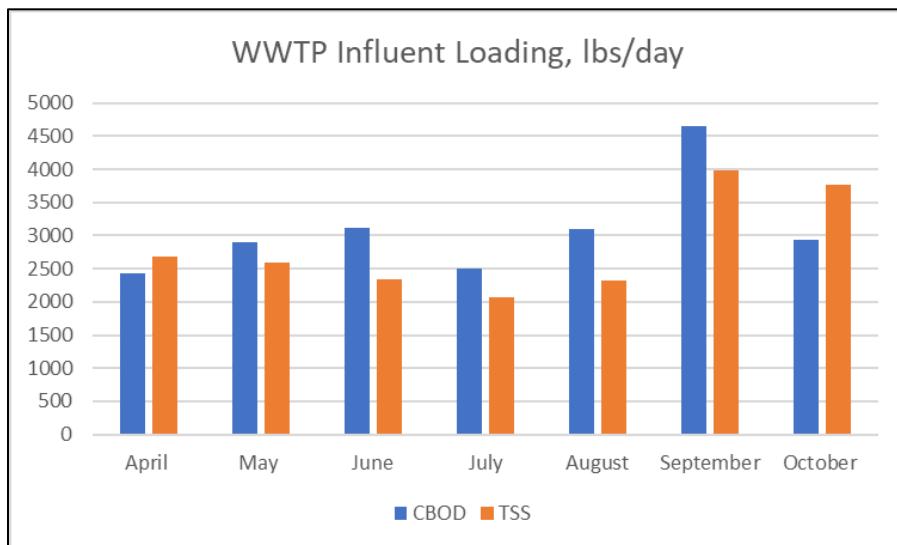
During the harvest season loading increased, peaking in September. Several peak conditions occurred that exceeded both the design concentration and loading as shown on Table 2.4. Process adjustments were made by operations staff as loading changes occurred.

Influent Loading September									
Date	Flow, mgd	CBOD, mg/l	% Design	CBOD, lbs.	% Design	TSS, mg/l	% Design	TSS, lbs.	% Design
9/6	1.02	563	158%	4,789	61%	575	161%	4,891	62%
9/20	0.88	1150	322%	8,440	107%	973	273%	7,141	90%
9/28	1.28	520	146%	5,551	70%	620	174%	6,619	84%

Source data monthly DMRs; Source design loading per 2007 Master Plan

**Table 2.4**

Figure 2.1 shows that while peak design loading conditions were periodically exceeded, the monthly maximum loading did not reach the maximum condition of 7,900 lbs. per day of BOD/TSS.



**Figure 2.1**

## 2.2 Primary Treatment

Primary treatment includes two rectangular primary clarifiers. The settled sludge is pumped at operator set intervals to the gravity thickener. Surface scum is pumped manually to the anaerobic digesters. During the harvest season additional monitoring was performed on the clarifiers to determine removal efficiency and loading to the secondary system.

Monitoring focused on total suspended solids (TSS) so that results could be obtained quickly, and adjustments made. Due to resource limitations testing of influent TSS and primary effluent TSS occurred on separate days. Sample date ranges were averaged to develop removal efficiency estimates of the clarifiers. The results show high levels of TSS removal most likely due to the readily settleable nature of the corn waste from Dianna Foods. Primary clarifier removal rates are typically 50-70%. Table 2.5 represents the results of the primary clarifier sampling effort.

Primary Clarifier Removal Efficiency			
Sample Date Range	Influent TSS, mg/l	Primary Effluent TSS, mg/l	Percent Removal
August 23 to September 5	482	181	62
September 6 to September 19	537	72	87
September 20 to September 26	1290	83	94
September 27 to October 3	719	47	93
October 4 to October 9	455	69	85
October 11 to October 17	465	61	87
<b>Overall Average for period</b>	<b>645</b>	<b>70</b>	<b>89</b>

Table 2.5

Optimization of the primary clarifiers is made by adjusting sludge pumping rates. The current system is limited to one pump that serves both clarifiers. The city is planning a capital improvement project to replace the current pumping system with a two-pump system with new electrical and new structure. This work is expected to occur in the summer of 2024.



Primary clarifier during harvest season. Typical of two.

## 2.3 Secondary Treatment

Secondary treatment utilizes activated sludge in a modified oxidation ditch configuration with fine bubble air diffusers and mechanical mixers. The system is designed to operate in a simultaneous nitrification denitrification mode to remove ammonia while recovering alkalinity.

The system is currently operated in continuous aeration mode focusing on ammonia removal. The process uses chemical addition to maintain alkalinity for treatment and pH stabilization.

The activated sludge system was adjusted to carry additional biomass in the summer months. The increase in sludge residence time allows the system to absorb moderate peaks in organic loading and reduces sludge wasting volume.

The return activated sludge flow rate is closely monitored to maintain a consistent food to mass ratio. Caustic soda is added to the process stream to supplement alkalinity and facilitate ammonia removal.

A probe installed in the effluent channel continuously monitors ammonia levels. If the effluent ammonia level exceeds target an alarm is generated that notifies operators.

Maintenance activities have been adjusted so they are not scheduled during peak loading months. The system lacks process automation including dissolved aeration control. Operators monitor dissolved oxygen periodically and adjust aeration rates manually as needed to maintain a target level.

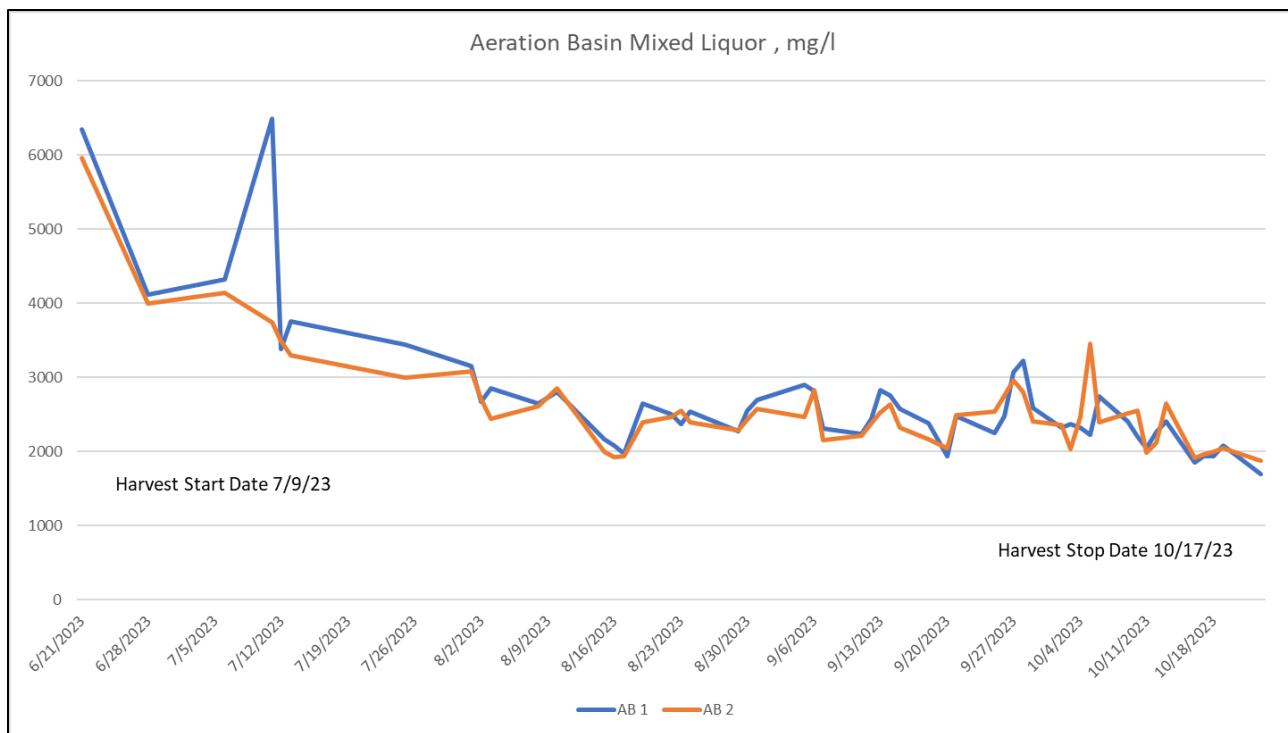


Aeration basin in operation. Typical of two.

## Silverton WWTP Harvest Operations Report

Increased sampling and analysis of the activated sludge system included additional monitoring of solids inventory. This included settling tests, microscopic examination and mixed liquor suspended solids concentration (MLSS). During the harvest season a sludge wasting calculator was implanted to maintain a target sludge resident time (SRT).

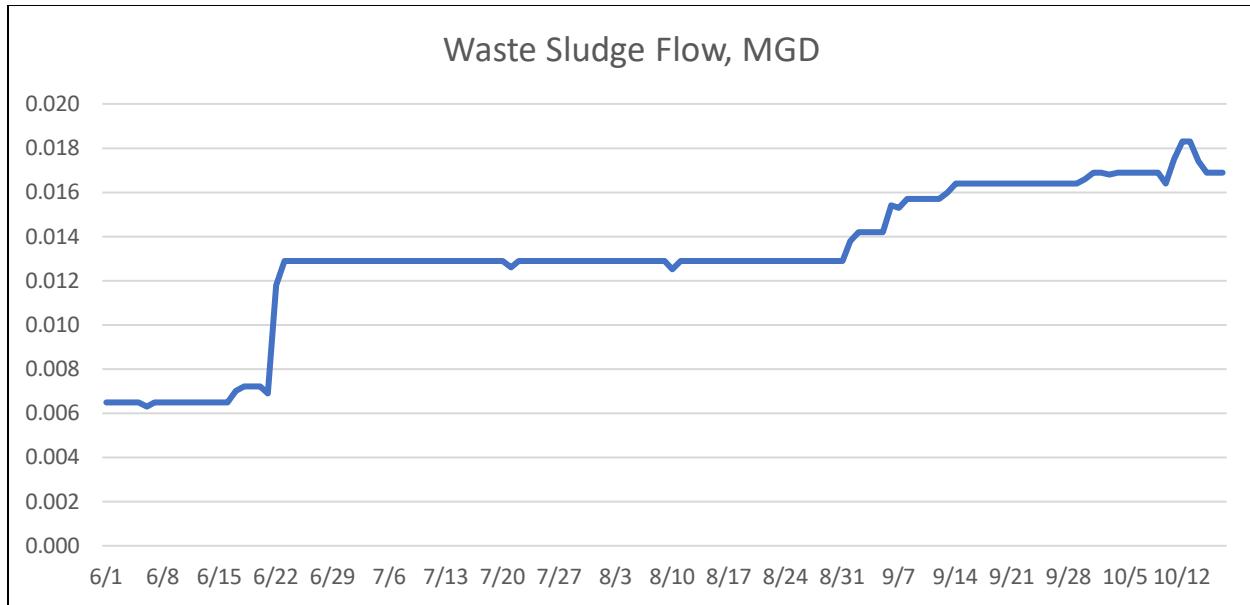
Early in the harvest season the process control target transitioned from an MLSS target to a SRT target. Microscopic examinations were also conducted. From these efforts it was determined that an SRT of 19 days was needed. This target was reached and maintained through the harvest period. Figure 2.2 shows how the adjustment to the target SRT impacted the MLSS concentration.



**Figure 2.2**

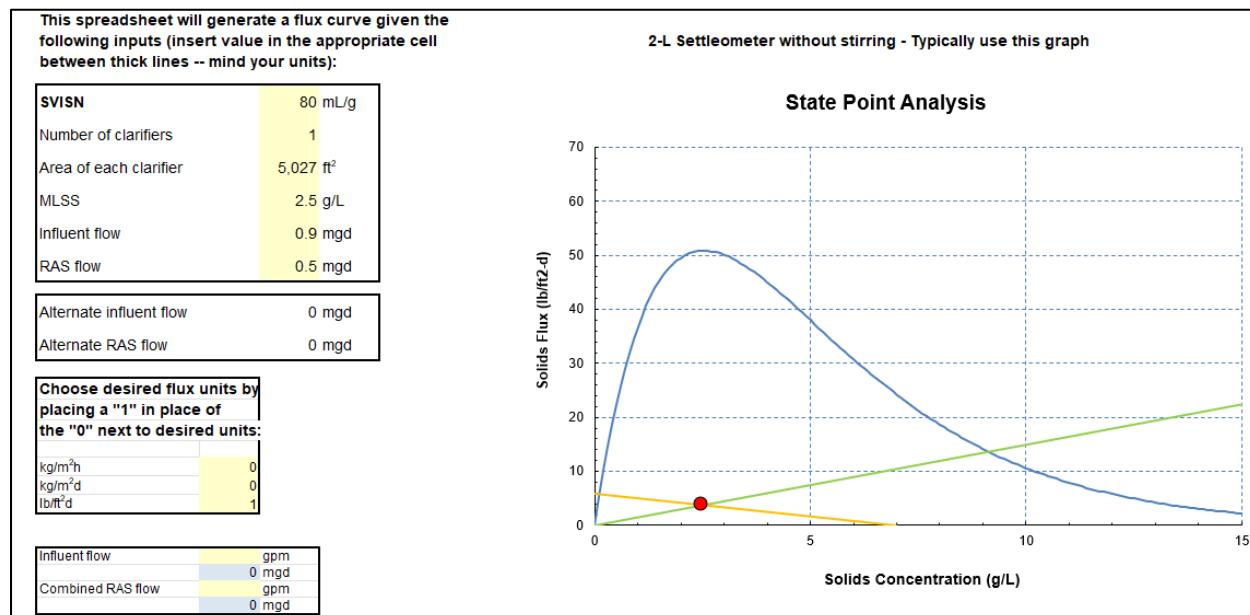
As the loading to the activated sludge system increased during the harvest period operators adjusted the waste activated sludge flow. Waste activated sludge is pumped continuously over a 24-hour period. MLSS and return activated sludge (RAS) samples were analyzed several times per week. This data was used in the waste calculator to determine if any adjustment was needed to the waste pumping rate. Figure 2.3 shows the required increase in sludge wasting due to the increased loading to the activated sludge system.

## Silverton WWTP Harvest Operations Report



**Figure 2.3**

Throughout the harvest period settling characteristics of the activated sludge were good. The sludge volume index was steady in the 70 to 80 ml/g range. The return sludge ratio remained at 45 to 50 percent of the influent flow. A clarifier state point analysis was performed on the secondary clarifier to show operators that the capacity of the clarifier was sufficient. Figure 2.4 shows that the red dot (state point) is well below the blue settling curve.



**Figure 2.4**

## Silverton WWTP Harvest Operations Report

Enhanced process control efforts have been incorporated into the facility operating strategy. These efforts include regular microscopic examination of the activated sludge to determine the health of the activated sludge, maintaining a laboratory sampling and analysis plan that can be adjusted as conditions change and establishing a target SRT based on influent conditions.

A recent capital project replaced inoperative process sensors. These new sensors include dissolved oxygen, oxygen reduction potential, and total suspended solids concentration. The sensors will be on line by December of 2023.

There is also a capital project to upgrade the process air blower system and include control modifications.

### **2.4 Solids Handling**

Solids handling process includes sludge thickening, anaerobic digestion, sludge storage, and disposal. Dilute primary sludge is pumped to the gravity thickener. Thickened primary sludge is pumped to the anaerobic digesters. Waste active sludge is pumped to a dissolved air floatation thickener. The thickened waste sludge is pumped to the anaerobic digesters. The anaerobic digesters stabilize the sludge which overflows the anaerobic digesters into sludge storage ponds. Sludge is removed bi annually via contract haulers.

During the harvest season one of the anaerobic discharge lines plugged with debris and had to be taken off line. Calculations showed that the required detention time could be met with one anaerobic digester on line. One digester remained on line though the remainder of the harvest season. The gas flare and digester boiler were both adjusted to manage digester gas. Gas production was consistent with the increased performance and remained stable though the harvest period.

Increased monitoring and adjustment of the gravity thickener was implemented during the harvest period. Underflow rates were adjusted as increased blanket levels were detected.

A capital improvement project is underway to introduce solids dewatering at the facility. A screw press has been procured and is on site. Final planning is underway to procure ancillary equipment and installation services for a new solids dewatering system.

## Appendix A – Sampling and analysis plan



**SolidsDude Solutions LLC**

---

1930 N Beaver Creek Rd. Seal Rock, OR 97376

Telephone 708-606-5249

**To:** Brad Jensen WWTP Supervisor

**Cc:** Mark Walter

**From:** Grant

**Date:** 07/28/2023

**RE: Proposed Sampling and Analysis Plan**

---

### Background

The City of Silverton has retained the services of Waterdude Solutions and Solidsdude Solutions to assist in the preparation of a report detailing the operation of the City's WWTP as it processes industrial loads during the harvest season. To accurately measure the flows and loads in a timely manner I am proposing the following sampling and analysis plan. Bench sheets, spreadsheets and SOP's will be provided separately.

Goals of sampling are to:

- Determine current WWTP pollutant loadings.
- Calculate removal efficiencies.
- Determine whether pollutants are causing inhibition of plant processes.
- Estimate loadings from IUs, domestic sources.
- Develop a data set for future use in rating the capacity of treatment systems.

Development of the plan is summarized in this section. This section also includes the proposed plan in summary table format.

### Sample Frequency

SolidsDude recommends the following:

- 3/x weekly sampling of WWTP influent, effluent, primary effluent, mixed liquor, TWAS, Mixed liquor and digester for the duration of the harvest season.
- 3/x weekly sampling of all known IU's.

### Sample Locations

SolidsDude recommends samples of plant influent, primary effluent, effluent, and sludge. Additionally, samples from the known IU's are recommended. Implementation of these recommendations for Silverton's WWTP, and IUs is described below:

# Silverton WWTP Harvest Operations Report

- **WWTP influent samples:** Influent samples, in conjunction with primary and plant effluent samples, will be used to calculate removal efficiencies of the biological process.
- **WWTP Effluent samples:** Effluent samples, in conjunction with influent samples, will be used to calculate the removal efficiency of the biological process.
- **Diana Foods samples:** Diana Foods will be sampled for COD and TSS two times weekly during the sampling period to quantify their impact upon the headworks loading of the WWTP.
- **Sludge samples:** Sludge will be sampled for solids concentration. Digester sludge samples will be offset by the SRT of approximately 12 to 16 days after influent / effluent sampling to allow for the plant SRT and storage of solids in the aeration basin, thickener and DAFT this period may need to be adjusted for plant flow at the time of sampling.
- **Flow data:** Influent flow to the plant is monitored. Volumetric flow from IUs will be monitored (where possible) during the sampling period to determine mass loadings.

## Anticipated Sampling Dates

Anticipated dates for sampling are as follows:

- **Diana Foods:** August 3rd – October 12th, 2023. Priority pollutant scan during the first two days of sampling.
- **WWTP Influent:** August 3<sup>rd</sup>- October 12<sup>th</sup>, 2023
- **WWTP Effluent:** August 3<sup>rd</sup>- October 12<sup>th</sup>, 2023
- **WWTP TWAS and Primary Solids:** August 3<sup>rd</sup>- October 12<sup>th</sup>, 2023
- **WWTP Digester Solids:** August 3rd– October 26th.

Table 1 – Proposed Sampling Plan

Constituent	Sample Type	Location						Sample interval (days per week)	Analytical method
		WWTP Influent	WWTP Effluent	Primary Effluent	AB Mixed Liquor	Diana Foods	TWAS		
COD	Composite	✓	✓			✓		2	EPA 410.4
COD	Grab			✓				2	EPA 410.4
TSS	Composite	✓	✓			✓		2	EPA 160.2
TSS	Grab			✓	✓		✓	2	EPA 160.2
Ammonia	Composite	✓	✓			✓		2	EPA 350.1
Flow	Daily total	✓	✓	✓		✓	✓	7	NA

Respectfully,

**Andrew Grant**

Solidsdude Solutions, LLC

[Grant@Solidsdude.com](mailto:Grant@Solidsdude.com)

Telephone 708-606-5249

## Appendix B - Harvest Season Slug Load Response Plan



Date: 8/17/23

To: Brad Jensen

From: Grant, SolidsDude Solutions

Subject: Harvest Season Slug Load Response Plan

---

The City of Silverton wastewater treatment plant (WWTP) has a limited capacity to treat high strength waste. Waterduke Solutions (WDS) has been contracted by the City to assist with operations during the "Harvest Season" and to develop a report for the Oregon Department of Environmental Quality (DEQ) detailing the city's efforts to identify and manage slug loads.

WDS has delivered and the city has implemented a sampling and analysis plan (SAP) to identify slug loads. WDS is also engaging with industrial users to address discharge loads at its source. This plan is intended to serve as the basis of a response plan to manage slug loads at the WWTP.

This plan details two operational strategies for managing slug loads at the Silverton WWTP. Load shedding via diversion is the first strategy. Process optimization is the second strategy. It is likely that employing a combination of these two strategies will be necessary given the history of severe and prolonged loading events.

### Load Shedding via Diversion

The City WWTP has the ability to divert primary effluent to the equalization basin. This is accomplished by manipulating two gates (figure 1). When a slug load is identified via visual examination of the influent composite sampler operators will follow the guidance included as Attachment A. The diversion of primary effluent before it reaches the secondary treatment process will prevent excessive BOD from overwhelming the biology of the basin. This diverted water will be stored in the equalization basin until the harvest season has ceased at which point it can be brought back through the AB and treated.

### Process Optimization

Process control adjustments can be made to mitigate the deleterious effects of slug loading on the WWTP. WDS is recommending the following be done after a slug load is detected.

Increase air across every zone of the aeration basin. Slug loads represent higher than normal biochemical oxygen demand and can deplete all the oxygen in the aeration basin. If the air demand and the air supply are not matched the plant will cultivate unfavorable microorganisms. Insufficient aeration is a leading cause of elevated ammonia levels in the plant effluent. By increasing the air at the onset of a slug loading event operators can both protect the plant biology and potentially reduce the amount of ammonia reaching the receiving stream.

# Silverton WWTP Harvest Operations Report

## Harvest Season Slug Load Response Plan

Expand testing of solids streams within the WWTP. Early indications are that the solids processing train of the WWTP may be exceeding firm capacity in the summer. When a slug load enters the WWTP it has the potential to overwhelm the solids processing equipment.

Solids levels within the primary clarifier, gravity thickener, MLSS and clarifiers will be measured for the duration of the loading event. An addendum to the SAP is included as Attachment B. This expanded testing will inform WDS as well as the City staff of potential choke points as well as allow us to make process control adjustments such as retaining higher solids blankets in the secondary clarifiers or adjusting wasting rates.

Microbial observation. Direct observation via microscope of the aeration basin microorganisms is a valuable tool in WWTP process control. Microscopic investigation allows operators to approximate what portion of the AB is made up of active biology and what portion is inert. Slug loads often result in rapid changes in the quantity of organisms and their makeup. By observing and recording the biological makeup of the AB post slug load operators can make process control changes that cultivate the appropriate organisms. A microbial investigation spreadsheet will be provided by WDS.



Figure 1. AB influent and EQ diversion gates

# Silverton WWTP Harvest Operations Report

## Harvest Season Slug Load Response Plan

### **Attachment A. Load Shedding Guidance**

**Goals:** To divert high strength waste streams away from the AB and into the EQ basin.

**Current Status:** Primary effluent flows above 7MGD flow over a passive weir into the EQ basin. The stainless steel rising stem gate which isolates the AB influent (figure 1) is in the open position. The globe valve to divert from the AB influent channel to the EQ basin has a broken actuator but is operable by hand.

#### **Diversion:**

1. Before diverting flows notify the contacts listed below directly via phone.
2. Fill out parameters 1-9 of table 1 below.
  - a. Notify Brad
3. Due to the actuator being out of service we will have to back up the AB influent channel to utilize the passive weir.
4. Divert half of the influent flow to the EQ basin
  - a. Continue diversion until slug loading event has ceased as verified by visual inspection of the influent.

#### **Management role**

- Respond in person if possible.
  - If not call Grant and Mark
- Contact Diana and Tillamook Smoker to figure out who is dumping.
  - Notify them of SUO violations – consider issuing cease and desist order.
- Balance AB influent flow to the AB as determined by air demand.
- Make sure we are not blowing primary sludge in the AB.
  - Adjust primary wasting rate to gravity thickener.
- Halt or slow WAS and get biology into the AB if you can keep air up.
  - If you have no DO in the AB
    - Stop WAS
    - Slow RAS on one clarifier to maintain feedstock and get a blanket up to 50%

#### **Contacts:**

Brad Jenson - 1-503-873-5439

Mark Walter – 971-413-4126

Grant – 708-606-5249

# Silverton WWTP Harvest Operations Report

## Harvest Season Slug Load Response Plan

### **Attachment A (cont'd). Slug Load Sampling**

*Table 1 Sample Matrix*

Date:	Time	Value
Parameter		
AB influent flow - Before diversion		
RAS flow		
Primary 1 blanket level		
Primary 2 blanket level		
GT blanket level		
Clarifier # 1 blanket level		
Clarifier # 2 blanket level		
EQ basin level		
AB influent flow - after diversion target = 50% of flow		

# Silverton WWTP Harvest Operations Report

## Harvest Season Slug Load Response Plan

### **Attachment B. Sampling and Analysis Plan Addendum**

Purpose: The purpose of this addendum is to outline additional sampling and analysis required should the City of Silverton WWTP experience a slug load event.

Constituent	Sample Type	Location							Sample Interval	Analytical method
		WWTP Influent	WWTP Effluent	Primary Effluent	AB Mixed Liquor	Diana Foods	Tillamook	TWAS	Digester	
COD	Composite	✓	✓			✓	✓			1 per day
COD	Grab			✓						Every 6 hours or 4x per day
TSS	Composite	✓	✓			✓	✓			1 per day
TSS	Grab			✓	✓			✓	✓	Every 6 hours or 4x per day
Ammonia	Composite	✓	✓			✓	✓			1 per day
Flow	Daily total	✓	✓	✓				✓	✓	Every 6 hours or 4x per day
										NA

## Appendix C – Sampling and analysis schedule

Silverton WWTP Lab Schedule			
Updated 090523			
Items in <b>Bold/Italicized</b> are <b>NPDES PERMIT REQUIRED</b> . These tests must be performed, or a permit violation will occur.			
WEEK OF _____			
<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>
<u><b>Lab Equipment Temps</b></u> <u><b>Inf/Eff Flow</b></u> <u><b>Inf. pH</b></u> <u><b>Inf. Temp</b></u> <u><b>Eff. pH</b></u> <u><b>Eff. Temp</b></u> <u><b>E.coli - On</b></u> <u><b>UV Transmittance</b></u> <u><b>Turbidity</b></u>  <u>Calibrate pH meter.</u> <u>Aeration Basin DO</u> <u>TS/VS Gravity Thickened</u> <u>TS/Vs TWAS</u> <u>TS/VS DIG 1 and DIG 2</u> <u>Aeration Basin DO</u> <u>Micro exam</u> <u>TSS - ML, RAS</u>	<u><b>Start Sampler</b></u> <u><b>Lab Equipment Temps</b></u> <u><b>Inf./Eff Flow</b></u> <u><b>Inf. pH</b></u> <u><b>Inf. Temp</b></u> <u><b>Eff. pH</b></u> <u><b>Eff. Temp</b></u> <u><b>E.coli - On</b></u> <u><b>E.coli- Off</b></u> <u><b>UV Transmittance</b></u> <u><b>Turbidity</b></u>  <u>Calibrate pH meter.</u> <u>Calibrate pH meter.</u> <u>Settleometer</u> <u>TSS - ML, RAS</u> <u>Gravity Thickener DOB</u> <u>DAFT DOB</u> <u>Secondary clarifier DOB</u> <u>Effluent Ammonia</u> <u>TS Primary Effluent</u> <u>TS TWAS</u> <u>TS DIG 1 and DIG 2</u> <u>Aeration Basin DO</u>	<u><b>Start Sampler</b></u> <u><b>Lab Equipment Temps</b></u> <u><b>Inf./Eff Flow</b></u> <u><b>Inf. pH</b></u> <u><b>Inf. Temp</b></u> <u><b>Eff. pH</b></u> <u><b>Eff. Temp</b></u> <u><b>E.coli - Off</b></u> <u><b>UV Transmittance</b></u> <u><b>Turbidity</b></u>  <u>Calibrate pH meter.</u> <u>Effluent Ammonia</u> <u>COD Inf., Eff., Diana</u> <u>TSS composite</u> <u>Inf., Eff., Diana</u>	<u><b>Lab Equipment Temps</b></u> <u><b>Inf./Eff Flow</b></u> <u><b>Inf. pH</b></u> <u><b>Inf. Temp</b></u> <u><b>Eff. pH</b></u> <u><b>Eff. Temp</b></u> <u><b>UV Transmittance</b></u> <u><b>Turbidity</b></u>  <u>Calibrate pH meter.</u> <u>Settleometer</u> <u>TSS - ML, RAS</u> <u>Gravity Thickener DOB</u> <u>DAFT DOB</u> <u>Secondary clarifier DOB</u> <u>Effluent Ammonia</u> <u>TS/VS Gravity Thickened</u> <u>TS/Vs TWAS</u> <u>TS/VS DIG 1 and DIG 2</u> <u>COD Inf., Eff., Diana</u> <u>TSS composite</u> <u>Inf., Eff., Diana</u> <u>Aeration Basin DO</u>
<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>	<u>Acronyms</u>
<u><b>Lab Equipment Temps</b></u> <u><b>Inf./Eff Flow</b></u> <u><b>Inf. pH</b></u> <u><b>Inf. Temp</b></u> <u><b>Eff. pH</b></u> <u><b>Eff. Temp</b></u> <u><b>UV Transmittance</b></u> <u><b>Turbidity</b></u>  <u>Calibrate pH meter.</u> <u>Aeration Basin DO</u> <u>Gravity Thickener DOB</u> <u>DAFT DOB</u> <u>Secondary clarifier DOB</u> <u>Settlemeter</u> <u>Micro Exam</u>	<u><b>Lab Equipment Temps</b></u> <u><b>Inf./Eff Flow</b></u> <u><b>Inf. pH</b></u> <u><b>Inf. Temp</b></u> <u><b>Eff. pH</b></u> <u><b>Eff. Temp</b></u> <u><b>UV Transmittance</b></u> <u><b>Turbidity</b></u>  <u>Calibrate pH meter.</u> <u>Aeration Basin DO</u>	<u><b>Lab Equipment Temps</b></u> <u><b>Inf./Eff Flow</b></u> <u><b>Inf. pH</b></u> <u><b>Inf. Temp</b></u> <u><b>Eff. pH</b></u> <u><b>Eff. Temp</b></u> <u><b>UV Transmittance</b></u> <u><b>Turbidity</b></u>  <u>Calibrate pH meter.</u> <u>Aeration Basin DO</u>	<i>COD = chemical oxygen demand</i> <i>DAFT= dissolved floatation thickener</i> <i>DIG = digester</i> <i>DO = dissolved oxygen</i> <i>DOB = depth of blanket</i> <i>Eff = effluent</i> <i>Inf = influent</i> <i>ML= mixed liquor</i> <i>TS = total solids</i> <i>TSS total suspended solids</i> <i>TWAS= thickened waste activated sludge</i> <i>RAS = return activated sludge</i> <i>UV= ultraviolet</i>

# Silverton WWTP Harvest Operations Report

## Appendix D – Waste Calculator

A	B	C	D	E	F	G	H	I	J	K
<b>1 City of Silverton Wastewater Treatment Plant - Activated Sludge Waste Calculator</b>										
<b>2</b>										
<b>3 Data Inputs</b>										
<b>4</b>										
5 Date, M/Day/Yr. <b>10/30/23</b>										
<b>6 Influent Data</b>										
7 Influent Flow, mgd <b>1.90</b>										
8 Previous Month average CBOD <b>247</b>										
9 Previous Month average TSS <b>168</b>										
10 CBOD, lbs/day <b>3,906</b>										
<b>11 Aeration Basin Data</b>										
12 Current MLSS, mg/l <b>Todays</b> <b>Last</b> <b>2x ago</b> <b>Average</b>										
13 Current MLSS, mg/l <b>1,580</b> <b>1,510</b> <b>1,780</b> <b>1,623</b>										
14 RAS TSS, mg/l <b>5,150</b> <b>9,040</b> <b>6,350</b> <b>6,847</b>										
15 RAS Rate, % of Inf. Flow <b>40%</b>										
16 WAS TSS, mg/l <b>6,847</b>										
17 Previous day WAS flow, mgd <b>0.016</b>										
18 Total wasting rate, gpm <b>22</b>										
19 30 Minute Settling <b>105</b>										
20 SVI <b>66</b>										
<b>21 Clarifier Data</b>										
22 Number of Clarifiers on Line <b>1</b>										
23 Clarifier #1 Blanket, ft. <b>0.00</b>										
24 Clarifier #2 Blanket, ft. <b>2.00</b>										
<b>25 Sludge Storage Tank Level, ft. <b>8</b></b>										
<b>26 Effluent Data</b>										
27 Effluent CBOD, mg/l <b>9.00</b>										
28 Effluent TSS, mg/l <b>4.00</b>										
<b>29 Design Data</b>										
30 Aeration Basin Volume, MG <b>1.2</b>										
31 Clarifier Volume, MG (0.564 each) <b>0.564</b>										
<b>32 Notes:</b> Two aeration basins on line. One secondary clarifier on line. Fully aerated mode with mixers on.										
<b>33</b>										
<b>34</b>										
<b>35</b>										
<b>36</b>										
<b>37</b>										
<b>38</b>										
<b>39</b>										
<b>40</b>										
<b>41</b>										
<b>42</b>										
<b>43</b>										
< > WWTP Design Data   Waste Calculator   8.25.23   8.31.23   9.15.23 (2)   9.25.23   9.28.23   10.2.23   10.6.23   10.10.23   10.13.23   10.19.23   10.25.23   10.26.23										

## Appendix E - Process Memo

Date: 9/26/2023

### CITY OF SILVERTON WASTEWATER TREATMENT PLANT Process Control Memo

Please initial after review: Chris\_\_\_\_ Jesse \_\_\_\_ Casey \_\_\_\_ Brad \_\_\_\_

Operators, please note changes with yellow highlighter.



#### Process Control

**Special Instructions:**  
non routine or conditional process direction

- Refer to OSHT plan for Harvest Operations loading response.
- Check influent sampler every morning for signs of slug loading (high TSS, odor, milky or dark color), Tuesdays and Wednesdays.
- Contact Diana foods to obtain estimate of end of corn processing season.

#### Headworks

Process Area / Parameter	Min	Max	Target	Notes
Bar screen 1			10 min off/ 10 min on	
Bar screen 2				
Compactor				Tied to screen 1 operation

#### Primary Treatment – Gravity Thickner

Process Area / Parameter	Min	Max	Target	Notes
Primary Clarifiers on line	1	2	2	
Gravity Thickener sludge blanket, ft	2	4	3	> 3ft. = Increase float sludge pumping rate by 10% and monitor primary blankets 2 x/day until blanket depth falls to 2 feet. < 1.5% = Decrease primary sludge pumping rate by 25% and monitor primary sludge TS until solids concentration increases to 2% TS
Gravity Sludge Pumping, run time/hour, seconds	10	45	30	Increase or decrease based on sludge blanket
Gravity Thickener, scum pit	Drain scum pit daily			

#### Aeration Basin

Process Area / Parameter	Min	Max	Target	Notes
Air header pressure	6.8	7.2	8.5	Current 9.4
Flow mode:				
Dissolved oxygen (DO)	Portable DO probe and online probe basin 1			
DO Level, mg/l	1.0	5.0	4.0	
Magox Dosage, mg/l	50	140	120	Adjust to maintain pH >7.0

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Silverton WWTP Process Memo - \ file location here\\Process Memo

# Silverton WWTP Harvest Operations Report

Secondary Clarifier				
Process Area / Parameter	Min	Max	Target	Notes
Clarifier sludge blanket level,(ft)	0.0	2.0	1.0	> 2 ft = Increase RAS underflow by 10% - Perform DOB twice daily (unless facility is experiencing sustained flow of over 6 MGD influent)
Return Activate Sludge flow, (% of Inf. Q)	45	65	35	<45% = If for short term hydraulic relief, monitor secondary sludge blankets at least 2 x/day. Do not lower to <45% for more than 1 week without supervisor approval.  >65% = During dry month low influent flows RAS underflow exceeding 65% may be justified but only under supervisor approval and close peak flow monitoring
Waste Activated Sludge (WAS)				
Process Area / Parameter	Min	Max	Target	Notes
Sludge Residence Time (SRT), Days	15	25	20	
Waste per Waste Calculator				
Anaerobic Digesters				
Process Area / Parameter	Min	Max	Target	Notes
Methane Gas CO <sub>2</sub> level, ppm	30	35	>35	>35ppm = Check feed sludge. Check temperature. Calculate SRT.
pH	6.8	7.2	7	6.0 - 6.5 inhibits gas production. Check feed sludge. Check temperature. Calculate SRT.
Volatile acid to alkalinity ratio	4:1	10:1	6:1	0.4 will result in a sour digester. Add bicarbonate
Sludge temperature	94	101	98	If below 90 F, check boiler pilot and water temperature. Check valving. Check to ensure the digester is recirculating and mixing. If methane supply is low or of poor quality, switch to diesel fuel noting diesel fuel level and ensuring the tank is topped off daily. Report to your supervisor and record in the Operator Logbook.  If above 98 F, turn down the boiler
Digester 1			Heat/Mix only	
Digester 2				Digester #1 in holding pattern, all sludge is being fed to #2. #1 feed valve is in manual Meters are unreliable, check SCADA
Flare/ gas system pressure	5in WC	9in WC	8.5	Ensure gas meters @ #2 and flare are showing flow every day. Bleed off drip traps daily, flare should be on 24/7

# Silverton WWTP Harvest Operations Report

Ultraviolet Disinfection				
Process Area / Parameter	Min	Max	Target	Notes
Dose	25	45	40	If lower than 25 clean the bulbs
Maintenance : Equipment out of Service/ Special Conditions				
<ul style="list-style-type: none"> <li>UV system in reserve, will alarm out but available for cleaning etc</li> </ul>				
Laboratory				
<ul style="list-style-type: none"> <li>Follow posted laboratory sampling and analysis schedule.</li> <li>Report and out of range results - Process and NPDES Permit to Supervisor.</li> <li>Initiate retest when test results show are out of parameter for no apparent reason. If there is a reason, make note in logbook.</li> <li>Perform Process Lab Sampling between 8am-10am</li> </ul>				
Lab Data Parameters				
Process Area / Parameter	Min	Max	Target	Notes
30 minute Settling	150	700	250	Should have a defined layer between sludge and supernatant
SVI	100	200	150	Low SVI is typical of old sludge
MLSS (mg/l)	1700	2500	2200	To meet target SRT
Digester VS (%)	40	50	45	This is samples from the digesters
Effluent TSS (mg/l) - May 1- October 31	1	10	5	Weekly limit is 15mg/l
Safety				
<ul style="list-style-type: none"> <li>Special Circumstances/Safety Actions</li> <li></li> </ul>				

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Silverton WWTP Process Memo - \ file location here\\Process Memo

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## Memorandum

**Date:** November 17, 2023

**To:** Brad Jensen, Water Quality Division Supervisor

**From:** Mark Walter, Operations Specialist  
Andrew Grant, Operations Specialist

**Re:** Harvest Operations After Action Summary

---

### Introduction

The following after-action summary is intended to present observations related to the efficient operation of the wastewater treatment facility. A separate report entitled Harvest Operations Report provides information on facility performance during the 2023 harvest season and ongoing optimization efforts.

This memorandum provides wastewater program level observations made by the Waterduke Solutions team during the 2023 harvest operations season. Recommendations are intended to inform decision making related to the wastewater program. Wastewater program areas are grouped as follows.

- Administration
  - Staffing and Resources
  - Data Management
- Operations
  - Laboratory
  - Liquids
  - Solids
  - Maintenance

### Administration

The administration of the wastewater treatment facility is performed by the Water Quality Division (WQD) supervisor. The supervisor also has administrative responsibility for the water treatment facility, remote sewage pump stations, industrial pretreatment, and the operation of the city swimming pool. Administration tasks include staffing, safety, budgeting, reporting, capital improvement project management, repair, and replacement coordination.

Regulatory supervision of the wastewater treatment system is currently performed by a contractor. The contractor provides oversight of treatment operation to meet the department of environmental quality (DEQ) requirement for supervision by a certified grade IV system operator. This is a temporary agreement while the WQD supervisor pursues the required certification.

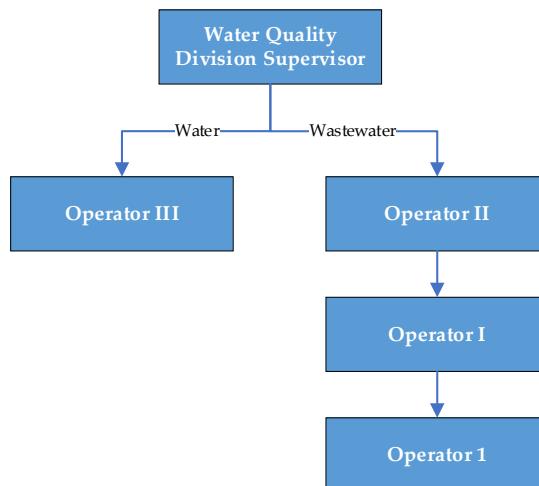
## Harvest Operations After Action Summary

Staffing and data management are two of the primary administrative areas that were identified as affecting the performance of the wastewater facility. Each of these areas are highlighted in the following subsections.

### Staffing & Resources

The WQD is currently staffed with five full-time equivalent employees, which includes the supervisor. A current WQD organizational chart is included as Figure 1.

**Figure 1. – Water Quality Division Organization**



The WQD is responsible for operations and maintenance of several program areas within the city's public works department. These areas include several systems and processes outside of the wastewater treatment plant. The operations and maintenance duties associated with the additional areas draw resources from the wastewater treatment plant. WQD areas of operation are shown as Table 1.

Water Quality Division Operations and Maintenance		
Wastewater Treatment	Water Treatment	Water Pump Station (1ea)
Sewage Pump Stations (8ea)	City Swimming Pool	Industrial Pretreatment

**Table 1**

WDS performed a staffing evaluation of the wastewater treatment plant utilizing the Northeast Guide for Estimating Staffing at Publicly and Privately Owned Wastewater Treatment Plants. This guide is used nationally to evaluate staffing at wastewater treatment plants. The calculations for the evaluation are included as Appendix A. The calculations in figure 2 below show that current staffing levels are not adequate to perform all operations and maintenance duties associated with the wastewater treatment plant.

## Harvest Operations After Action Summary

THE NORTHEAST GUIDE FOR ESTIMATING STAFFING AT PUBLICLY AND PRIVATELY OWNED WASTEWATER TREATMENT PLANTS (One Shift)	
Plant Name: Silverton WWTP	
Design Flow: 1.0-5.0 mgd	Actual Flow: 1.5
FINAL ESTIMATES	
Chart #	Annual Hours
Chart 1 – Basic and Advanced Operations and Processes	3276.00
Chart 2 – Maintenance	1066.00
Chart 3 – Laboratory Operations	1078.00
Chart 4 – Biosolids/Sludge Handling	1300.00
Chart 5 – Yardwork	480.00
<b>Estimated Operation and Maintenance Hours</b>	<b>7200.00</b>
<b>Estimated Operation and Maintenance Staff</b>	<b>4.80</b>
<b>Estimated Additional Staff from Chart 7</b>	<b>1.20</b>
<b>TOTAL STAFFING ESTIMATE</b>	<b>6.00</b>

Figure 2

### Data Management

Data that is captured in SCADA and through laboratory analysis is not easily accessed. The SCADA reporting program needs to be updated to ensure needed data is captured and remove information tags that are no longer in use. The laboratory data is captured onto hand written sheets then entered into a spreadsheet. Not all data is entered into the spreadsheet making it difficult to develop historical trending. Trending is important because it allows operators to be proactive in decision making. Timely access to data is important so that operators can utilize diagnostic tools to make process adjustments.

Over the past several years electronic file management has become more important. Email communication is the primary method of exchanging information. It is important to develop a folder and file structure that allows for ease of storage of and access to historical information. Development of an information management program will help ensure that information retention requirements are met.

### Recommendations – Administration

- Develop a staffing plan that supports a desired level of service for the WQD.
- Utilize Key Performance Indicators (KPIs) for the WQD to measure effectiveness.
- Update SCADA reporting software and create a data spreadsheet that contains both permit and process control data.
- Evaluate the use of a wastewater treatment data database to support historical trending.
- Create a WQD folder and develop consistent file naming conventions to aid with locating key information.

### Operations

The city's wastewater treatment facility operates under a National Pollutant Discharge Elimination System (NPDES) permit issued by the Oregon Department of Environmental Quality (ODEQ). Permit compliance is monitored and enforced by both ODEQ and the Environmental Protection Agency (EPA). The current NPDES permit expired in 2009 and has been administratively extended by ODEQ. The current estimate for permit renewal is 2025. The treatment facility has a history of permit compliance with the exception of exceedances in 2021. These exceedances have been corrected and strategies are in place to prevent a recurrence. Operating strategies were developed in 2022 and optimized during the summer of 2023.

## Harvest Operations After Action Summary

The wastewater treatment facility was constructed in 1998 with digester upgrades completed in 2007. The facility treats primarily domestic wastewater and receives discharge from two food processors. The discharge from the food processors is by permit maintained through the city's industrial pretreatment program.

The facility operations and maintenance (O&M) manual is not current. The 2007 upgrade and subsequent changes are not represented in the manual making training and optimization difficult. Changes to operations and maintenance strategies that have occurred over the past twenty years are not captured in the manual. During the summer of 2023 the O&M manual was scanned for easier access. A design data table was also created as a ready reference for design information on the various systems in the facility.

Wastewater operations typically includes three operators. Operators split duties between operations, and other program areas. Wastewater operations includes plant operation, laboratory sampling and analysis and maintenance. Activities within the facility are documented in the plant log book.

The age of the wastewater treatment plant requires ongoing upgrades and refurbishments. WQD staff have been proactive in identifying and implementing projects. These projects include screening, primary sludge pumping, aeration control, and solids handling upgrades.

### Recommendations – Operations

- Develop plan for NPDES permit renewal.
- Update operations and maintenance manual to meet ODEQ requirements.
- Develop consistent practice of documenting plant activities into log book.
- Create a facility project plan and schedule to aid with managing projects.

### Laboratory

Laboratory program activities are performed by a single operator and overseen by the supervisor. A laboratory sampling and analysis schedule was developed and employed to aid with process optimization. Effluent TSS sampling and analysis procedures were updated.

The facility does not have a current laboratory quality manual as required by DEQ. A quality assurance, quality control program ensures that data that is generated in the laboratory has been performed with accuracy and control.

Data generated in the laboratory is completed on several bench sheets. Some of the data is recorded in the facilities' discharge monitoring report (DMR). Some of the data is only available on bench sheets making it difficult to trend important operating data.

### Recommendations – Laboratory

- Review various testing and analysis requirements to identify workload fluctuations.
- Label drawers in the laboratory to expedite locating needed tools and supplies.
- Develop plan for annual QA testing coordination to ensure timely submittal.
- Implemented a secondary review of daily testing to ensure required tests are being performed.
- Document all laboratory duties and SOPs to support cross training.
- Develop ODEQ required laboratory quality manual.
- Develop electronic tools to ensure that historical data is accurate and accessible.

## Liquids Area

The liquids area includes the screening, primary clarifiers, flow equalization, activated sludge, secondary clarifier, ultraviolet disinfection, and post aeration. An effluent pump station is operated seasonally to provide water to the Oregon Gardens.

There are two mechanical screens available for operation. A new fine opening screen was installed in the bypass channel to improve screening removal. The original screen is available for service but allows small screenings to pass through. The smaller screen has less hydraulic capacity than the original screen and can cause surcharges during high flow conditions.

The primary effluent flows to the aeration basins which employ an activated sludge process to treat wastewater. This process includes mixers, blowers, and air diffusers. The activated sludge flows to secondary clarifiers which allow solids to settle and clear water to flow to the ultraviolet disinfection system. Once disinfected the water is aerated prior to discharge to Silver Creek.

The aeration system is not currently automatically adjusting air based on air demand. This requires operators to manually adjust air settings. A project is underway that includes new dissolved oxygen sensors, oxygen reduction potential sensors and solids sensors. These sensors will allow for the reintegration of automatic aeration control.

The activated sludge process relies heavily on the performance of the primary clarifiers and gravity thickener. When these processes are not efficient it creates an increased load on the activated sludge system. This load to the aeration basins has been shown to settle in the first zone of the aeration basin creating septic conditions.

The ultraviolet disinfection system was recently retrofitted with a screen to prevent biofouling. Typically, one of the two modules are in service.

### Recommendations – Liquids

- Utilize the process memo to identify target parameters and instruction on adjustments.
- Evaluate and correct hydraulic conditions at the screens to prevent overflows during surge events.
- Complete the reintegration of the activated sludge sensors to SCADA for automated blower control.
- Monitor and adjust air to the first zone of the aeration basins to prevent settling of sludge and septic conditions.
- Evaluate influent flow conditions for each of the two mechanical screens.
- Develop operating strategies for use of the equalization basin and how the flow is returned to the system.

## Solids Area

The solids area includes sludge pumping, grit removal, sludge thickening, anaerobic digestion, sludge storage and biosolids disposal.

The grit system has been abandoned in place due to ragging issues from the poor performing headworks screen. Grit is currently passing through to the gravity thickener and the digesters. Grit can accumulate in digesters necessitating frequent cleaning in order to manually remove it.

## Harvest Operations After Action Summary

During the processing season the gravity thickener appeared over loaded on several occasions. This included high sludge blankets and visible solids over the effluent weirs. A high blanket decreases the removal efficiency of the thickener. This condition was improved by increasing the settled sludge pumping rate. Solids that go over the weirs add additional organic loading to the secondary treatment system.

The anaerobic digestion system experienced a failure of one digester due to a plugged discharge line. The condition caused one digester to get stuck in partial digestion. The digester was isolated, and a plan is being developed to address the sludge and remove the discharge line blockage.

The sludge pumping data is not accurate making it difficult to determine loading and hydraulic detention time.

The digester gas system was evaluated and adjusted to operate the waste gas flare. Operation of the gas flare reduces digester gas release to the atmosphere. The gas system was stabilized, and adjustments were made to the digester boiler so that it could operate on digester gas. This immediately reduced the facility's natural gas consumption from boiler operation.

Digested solids are stored in four lagoons on site. Lagoons one and two are immediately downstream of the two digesters. Lagoons 3 and 4 are former primary clarifiers that are utilized for seasonal storage and drying. Sludge is pumped from lagoon 2 to lagoon 3 or 4 via trailer mounted pump and hose. Biosolids for land application are removed from the lagoons and transported to nearby agricultural land by tanker truck.

## Recommendations – Solids Area

- Evaluate gravity thickener operation and loading to optimize removal during high load events.
- Review sludge flow data recording to ensure that data is correct.
- Develop hydraulic detention time targets for anaerobic digesters.
- Implement approximate mass balance worksheet for digester compliance reporting.
- Plan for replacement of the grit system.
- Increase monitoring of anaerobic digester parameters through sampling and analysis.
- Develop operating criteria and guidelines for the new screw press.
- Update Biosolids Management Plan to reflect the use of the screw press.

## Maintenance

Maintenance is performed by operations staff with support by specialty contractors as needed.

Typically, one operator is assigned to corrective work and preventive maintenance tasks. Facility maintenance and ground tasks are performed by an operator. Reliance on electrical and instrumentation contractors' availability has caused delays in project completion.

The overall condition of the facility appears in good condition considering many systems have been in operation for over 20 years. The grounds, buildings and process areas are well maintained. Automation has declined as monitoring systems fail resulting in manual monitoring and adjustment by operators. Some control gates and valves are inoperative limiting flow routing options available to the operators.

## Harvest Operations After Action Summary

The facility does not utilize a computerized maintenance management program. Maintenance planning and scheduling is performed verbally and captured on a white board. This practice does not enable the WQD to adopt a proactive approach to maintenance or asset management.

### Recommendations - Maintenance

- Develop plan for maintenance management implementation. This includes development of asset register, systems, equipment class, failure modes, and work priority.
- Perform system condition assessment and prioritize future repair, replace and refurbishment projects.
- Develop maintenance plan for each system including preventive and predictive maintenance.
- Identify key specialty contractors and develop agreements that define expected response times.
- Develop an inventory system with parts stored in specific areas.
- Conduct critical assessment of facility systems and identify critical equipment spares.

## Appendix A – Staffing Calculations

 <b>THE NORTHEAST GUIDE FOR ESTIMATING STAFFING AT PUBLICLY AND PRIVATELY OWNED WASTEWATER TREATMENT PLANTS (One Shift)</b>	
<b>Plant Name:</b> Silverton WWTP	
<b>Design Flow:</b> 1.0-5.0 mgd	<b>Actual Flow:</b> 1.5
<b>FINAL ESTIMATES</b>	
<b>Chart #</b>	<b>Annual Hours</b>
Chart 1 – Basic and Advanced Operations and Processes	3276.00
Chart 2 – Maintenance	1066.00
Chart 3 – Laboratory Operations	1078.00
Chart 4 – Biosolids/Sludge Handling	1300.00
Chart 5 – Yardwork	480.00
<b>Estimated Operation and Maintenance Hours</b>	<b>7200.00</b>
<b>Estimated Operation and Maintenance Staff</b>	<b>4.80</b>
<b>Estimated Additional Staff from Chart 7</b>	<b>1.20</b>
<b>TOTAL STAFFING ESTIMATE</b>	<b>6.00</b>
<i>Note: The Total Staff estimate from Charts 1-5 will not be the final amount of staff necessary to run the facility. Please review Chart 7 for additional staffing needs.</i>	
<b>Chart 6 - Automation/SCADA</b>	
Computerized recordkeeping	
E-mail	
Supervisory Control and Data Acquisition (SCADA)	
<b>Chart 7 - Considerations for Additional Plant Staffing</b>	
Management responsibilities (i.e., human resources, budgeting, outreach, training, town/city meetings, scheduling, etc.) and responsibility for clerical duties (i.e., billing, reports, correspondence, phones, time sheets, mailings, etc.)	
Plant operators responsible for snow plowing, road/sidewalk repair, or other municipal project	
Plant responsible for industrial pre-treatment program	
Plant staff responsible for plant upgrades and large projects done both on-site and off-site (i.e., collection systems, manholes, etc.)	
Age of plant and equipment (over 15 years of age)	
<i>Note: The user should attach supporting information to justify additional staffing needs from Chart 7.</i>	
<b>Final Comments:</b>	
None.	

Harvest Operations After Action Summary



**THE NORTHEAST GUIDE FOR ESTIMATING STAFFING AT PUBLICLY AND PRIVATELY OWNED WASTEWATER TREATMENT PLANTS**

Chart Navigation

[Go to Chart 1](#)  
[Go to Chart 2](#)  
[Go to Chart 3](#)  
[Go to Chart 4](#)

[Go to Chart 5](#)  
[Go to Chart 6](#)  
[Go to Chart 7](#)  
[Instructions](#)

Choose Staffing Shifts

One Shift

Enter Plant Design Flow

1.0-5.0 mgd

[Reset # of Units](#)

Instructions:

- 1) Choose Staffing Shifts
- 2) Enter Plant Design Flow
- 3) Complete Charts 1-7
- 4) Select Final Table to View Staffing Estimate

Total Staffing Hours: **7200.00**

Data Notes	# of Units	Process/Activity/Flow	Hours	Calculated	Subtotal
<b>Begin Chart 1 – Basic and Advanced Operations and Processes</b>					
		Process	Hours	Calculated	Subtotal
	1	Preliminary Treatment	1.00	260.00	
# of units	1	Primary Clarification	0.50	130.00	
		Activated Sludge	6.00	0.00	
	1	Activated Sludge w/BNR	8.00	2080.00	
<a href="#">Choose Range</a>		Rotating Biological Contactor	6.00	0.00	
# of tanks		Sequencing Batch Reactor	1.00	0.00	
		Extended Aeration (w/o primary)	8.00	0.00	
		Extended Aeration w/BNR	10.00	0.00	
		Pure Oxygen Facility	X		
		Pure Oxygen Facility w/BNR	X		
		Trickling Filter	2.00	0.00	
		Oxidation Ditch (w/o primary)	8.00	0.00	
		Oxidation Ditch w/BNR	10.00	0.00	
		Aeration Lagoon	1.50	0.00	
		Stabilization Pond	1.00	0.00	
		Innovative Alternative Technologies	X		
1		Nitrification	0.50	130.00	
1		Denitrification	0.50	130.00	
		Phosphorus Removal (Biological)	0.50	0.00	
		Phosphorus Removal (Chemical/Physical)	1.00	0.00	
		Membrane Processes	0.50	0.00	
		Cloth Filtration	0.50	0.00	
		Granular Media Filters (Carbon, sand, anthracite, garnet)	1.00	0.00	
		Water Reuse	0.50	0.00	
1		Plant Reuse Water	0.10	26.00	
		Chlorination	1.00	0.00	
		Dechlorination	1.00	0.00	
1		Ultraviolet Disinfection	1.00	260.00	
# of units		Wet Odor Control	1.00	0.00	
# of units		Dry Odor Control	0.50	0.00	
1		Septage Handling	1.00	260.00	
<b>End of Chart 1 – Basic and Advanced Operations and Processes SUBTOTAL:</b>					
<b>3276.00</b>					

## Harvest Operations After Action Summary

Begin Chart 2 – Maintenance						
Unit Descriptions	# of Units	Activity/Flow	Hours	Calculated	Subtotal	
# of screens		Manually Cleaned Screens	0.25	0.00		
# of screens	0	Mechanically Cleaned Screens	0.25	0.00		
# of screens	2	Mechanically Cleaned Screens with grinders/washer/compactors	1.00	520.00		
# of units		Comminutor/Macerator	0.25	0.00		
# of chambers		Aerated Grit Chambers	0.25	0.00		
# of units		Vortex Grit Removal	0.25	0.00		
# of units		Gravity Grit Removal	0.15	0.00		
# of tanks		Additional Process Tanks	0.10	0.00		
# of chemicals added for processes	4	Chemical Addition (varying dependent upon degree of treatment)	0.10	104.00		
# of clarifiers	2	Circular Clarifiers	0.50	260.00		
# of clarifiers		Chain and Flight Clarifiers	0.50	0.00		
# of clarifiers		Traveling Bridge Clarifiers	X			
# of clarifiers		Squircle Clarifiers	0.50	0.00		
X		Pumps	250.00	0.00		
# of trains		Rotating Biological Contactor	0.25	0.00		
# of TFs		Trickling Filters	0.15	0.00		
# of tanks		Sequencing Batch Reactor	0.15	0.00		
# of mixers		Mechanical Mixers	0.10	0.00		
# of blowers		Aeration Blowers	0.20	0.00		
# of cartridges		Membrane Bioreactor	0.10	0.00		
# of systems		Subsurface Disposal System	0.10	0.00		
X		Groundwater Discharge	0.10	0.00		
# of digesters		Aerobic Digestion	0.10	0.00		
# of digesters	2	Anaerobic Digestion	0.20	104.00		
# of basins	1	Gravity Thickening	0.10	26.00		
# of belts		Gravity Belt Thickening	0.15	0.00		
# of presses		Belt Filter Press	0.15	0.00		
# of units		Mechanical Dewatering (Plate Frame and Centrifuges)	0.15	0.00		
# of units		Dissolved Air Floatation	0.10	0.00		
X		Chlorination (gas)	0.10	0.00		
X		Chlorination (liq.)	0.20	0.00		
X		Dechlorination (gas)	0.10	0.00		
X		Dechlorination (liq.)	0.20	0.00		
# of racks	2	Ultraviolet	0.10	52.00		
# of units		Biofilter	0.50	0.00		
# of units		Activated Carbon	0.50	0.00		
# of units		Wet Scrubbers	X			
# of screens		Microscreens	0.10	0.00		
# of units		Pure Oxygen	X			
# of units		Final Sand Filters	0.20	0.00		
# of different types of probes		Probes/Instrumentation/Calibration	0.10	0.00		
End of Chart 2 – Maintenance SUBTOTAL:						1066.00

## Harvest Operations After Action Summary

### Begin Chart 3 – Laboratory Operations

<u>Frequency of test</u>	<u># of times test is run for selected</u>	<u>Tests</u>	<u>Hours</u>	<u>Calculated</u>	<u>Subtotal</u>
		Acidity	0.75	0.00	
52	1	Alkalinity, total	0.75	39.00	
		Biochemical Oxygen Demand (BOD)	2.50	0.00	
		Chemical Oxygen Demand (COD)	2.50	0.00	
		Chloride	0.50	0.00	
		Chlorine, Total Residual	0.25	0.00	
		Coliform, Total, Fecal, E.Coli	1.00	0.00	
52	1	Dissolved Oxygen (DO)	0.25	13.00	
52	3	Hydrogen Ion (pH)	0.25	39.00	
		Metals	3.00	0.00	
		Toxicity	2.00	0.00	
		Ammonia	2.00	0.00	
		Total Nitrogen	2.00	0.00	
		Oil and Grease	3.00	0.00	
		Total and Dissolved Phosphorus	2.00	0.00	
52	2	Solids, Total, Dissolved, and Suspended	3.00	312.00	
		Specific Conductance	0.25	0.00	
		Sulfate	1.00	0.00	
		Surfactants	1.00	0.00	
		Temperature	0.25	0.00	
		Total Organic Carbon (TOC)	0.25	0.00	
		Turbidity	0.25	0.00	
52	3	Bacteriological Enterococci	1.00	156.00	
12	1	Lab QA/QC Program	1.00	12.00	
52	3	Process Control Testing	3.00	468.00	
52	3	Sampling for Contracted Lab Services	0.25	39.00	
		Sampling for Monitoring Groundwater wells	0.50	0.00	

**End of Chart 3 – Laboratory Operations SUBTOTAL:**

1078.00

*\*Sampling time is built into testing time estimates.*

## Harvest Operations After Action Summary

### Begin Chart 4 – Biosolids/Sludge Handling

<b>Unit Descriptions</b>	<b># of Units</b>	<b>Process</b>	<b>Hours</b>	<b>Calculated</b>	<b>Subtotal</b>
		Belt Filter Press	6.00	0.00	
		Plate & Frame Press	3.00	0.00	
<b>1</b>		Gravity Thickening	0.50	130.00	
		Gravity Belt Thickening	0.50	0.00	
		Rotary Press	0.50	0.00	
		Dissolved Air Floatation	0.50	0.00	
		Alkaline Stabilization	0.25	0.00	
		Aerobic Digestion	0.50	0.00	
<b>1</b>		Anaerobic Digestion	0.50	130.00	
		Centrifuges	3.00	0.00	
		Composting	4.00	0.00	
		<i>Incineration</i>	X		
		<i>Air Drying – Sand Beds</i>	X		
		Land Application	0.50	0.00	
<b>1</b>		Transported Off-Site for Disposal	4.00	1040.00	
		Static Dewatering	X		

**End of Chart 4 – Biosolids/Sludge Handling**

**1300.00**

**SUBTOTAL:**

### Begin Chart 5 – Yardwork

<b>Unit Descriptions</b>	<b># of Units</b>	<b>Process</b>	<b>Hours</b>	<b>Calculated</b>	<b>Subtotal</b>
	<b>1</b>	Janitorial/Custodial Staff	200	200.00	
		Snow removal	120	0.00	
<b>1</b>		Mowing	120	120.00	
# of vehicles		Vehicle Maintenance	25	0.00	
<b>1</b>		Facility Painting	80	80.00	
<b>1</b>		Rust removal	80	80.00	

**End of Chart 5 – Yardwork**

**480.00**

## Harvest Operations After Action Summary

<b>Begin Chart 6 – Automation/SCADA</b>		<b>Yes/No</b>
	<b>Automation/SCADA</b>	
	Automated attendant or interactive voice recognition (IVR) equipment	No
	Automated Meter Reading (AMR), Touchpad meters or other automated metering technology	No
	Automatic Call Director (ACD)	No
	Billing system	No
	Computerized Facilities Management (FM) System	No
	Computerized preventative maintenance	No
	Computerized recordkeeping	Yes
	E-mail	Yes
	Geographical Information System (GIS)	No
	Integrated purchasing and inventory	No
	Internet website	No
	Laboratory Information Management System (LIMS)	No
	Local Area Network (LAN)	No
	Supervisory Control and Data Acquisition (SCADA)	Yes
	Telemetry	Yes
	Utility customer information system (CIS) package	No

<b>End of Chart 6 – Automation/SCADA</b>	
--	--

<b>Begin Chart 7 – Considerations for Additional Plant Staffing</b>		<b>Yes/No</b>
	<b>Activities</b>	
	Management responsibilities (i.e., human resources, budgeting, outreach, training, town/city meetings, scheduling, etc.) and responsibility for clerical duties (i.e., billing, reports, correspondence, phones, time sheets, mailings, etc.)	Yes
	Plant staff responsible for collection system operation and maintenance, pump station inspections, and/or combined sewer overflows	Yes
	Plant operators responsible for snow plowing, road/sidewalk repair, or other municipal project	Yes
	Plant staff involved in generating additional energy	No
	Plant receives an extra high septage and/or grease load (higher than designed organic and grease loadings) or plant takes in sludge from other treatment plants	No
	Plant is producing a Class A Biosolid product	No
	Plant operators responsible for operating generators and emergency power	No
	Plant responsible for industrial pre-treatment program	Yes
	Plant staff responsible for plant upgrades and large projects done both on-site and off-site (i.e., collection systems, manholes, etc.)	Yes
	Plant operators responsible for machining parts on-site	No
	Age of plant and equipment (over 15 years of age)	Yes

<b>End of Chart 7 – Considerations for Additional Plant Staffing</b>	
--	--



# Silverton WWTP

Harvest Season Report



WATERDUDE  
SOLUTIONS



SolidsDude Solutions LLC

# Summary Report



## Oregon Department of Environmental Quality Mutual Agreement and Order

Wastewater Treatment Plant Evaluation

Industrial Loading

Optimization

Report Due December 30, 2023

# Wastewater Treatment Plant Evaluation

Site visits focused on operations

Laboratory sampling

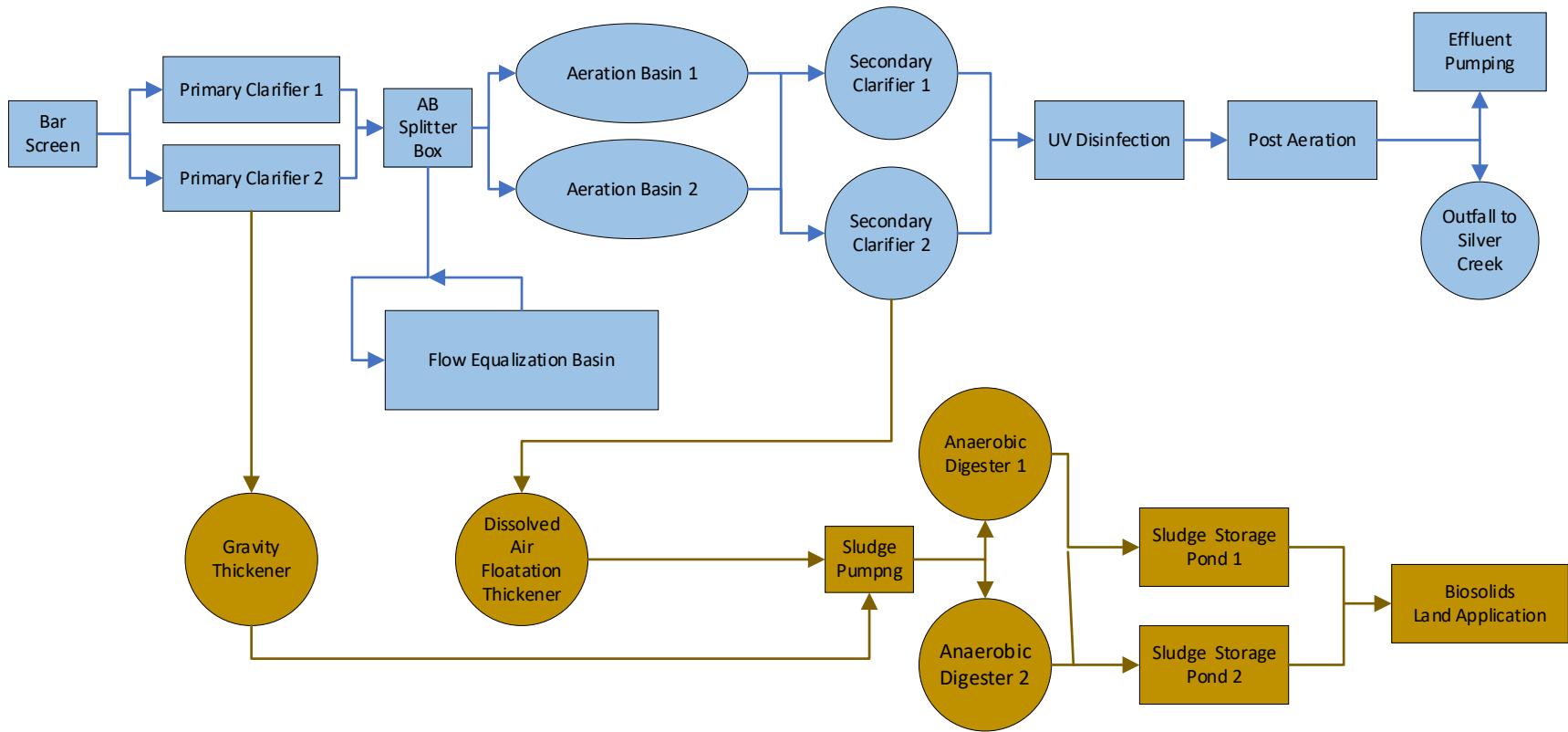
Data management

System operational status

Staffing

Industrial loading conditions





## SILVERTON WASTEWATER TREATMENT PLANT



# Wastewater Treatment Plant Loading

Influent Loading									
Monthly Average	Flow, mgd	CBOD, mg/l	% Design	CBOD, lbs.	% Design	TSS, mg/l	% Design	TSS, lbs.	% Design
Jun-23	0.94	398	111%	3,120	39%	299	84%	2,344	30%
Jul-23	0.85	353	99%	2,502	32%	292	82%	2,070	26%
Aug-23	0.90	413	116%	3,100	39%	310	87%	2,327	29%
Sep-23	1.00	557	156%	4,645	59%	477	134%	3,978	50%
Oct-23	1.19	298	83%	2,945	37%	382	107%	3,775	48%

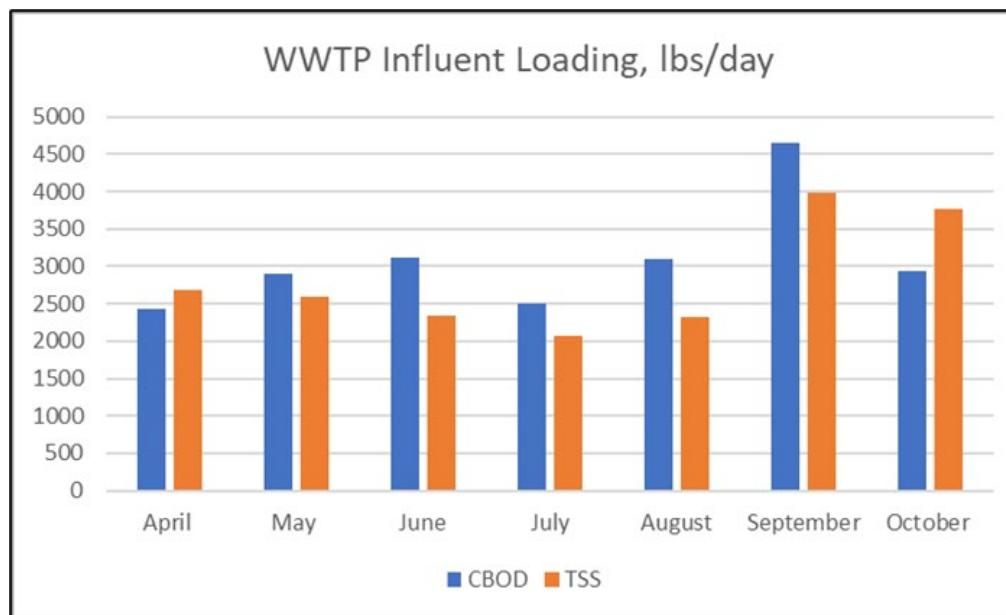
Source data monthly DMRs; Source design loading per 2007 Master Plan



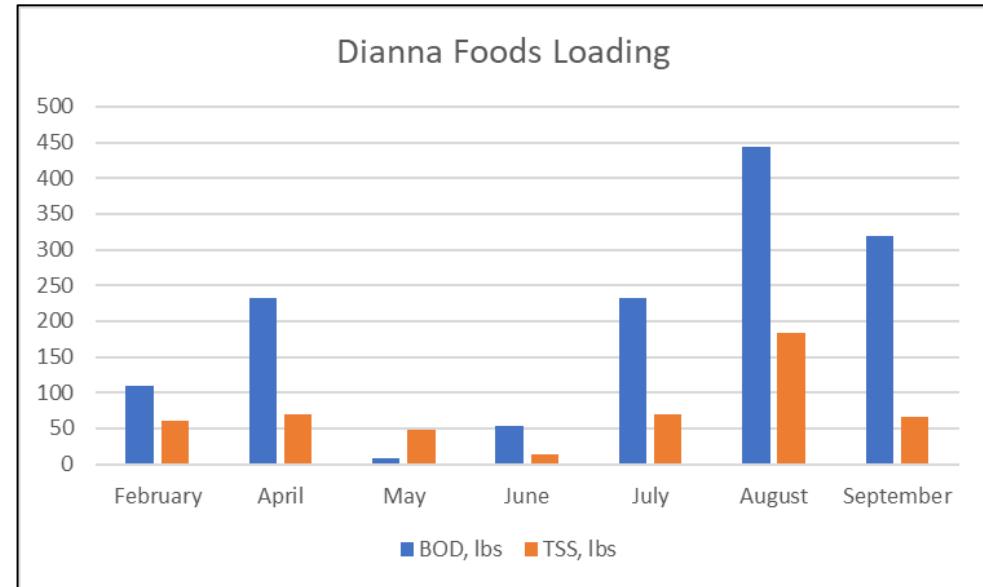
# Wastewater Treatment Plant Loading

Influent Loading September									
Date	Flow, mgd	CBOD, mg/l	% Design	CBOD, lbs.	% Design	TSS, mg/l	% Design	TSS, lbs.	% Design
9/6	1.02	563	158%	4,789	61%	575	161%	4,891	62%
9/20	0.88	1150	322%	8,440	107%	973	273%	7,141	90%
9/28	1.28	520	146%	5,551	70%	620	174%	6,619	84%

Source data monthly DMRs; Source design loading per 2007 Master Plan



# Industrial Loading



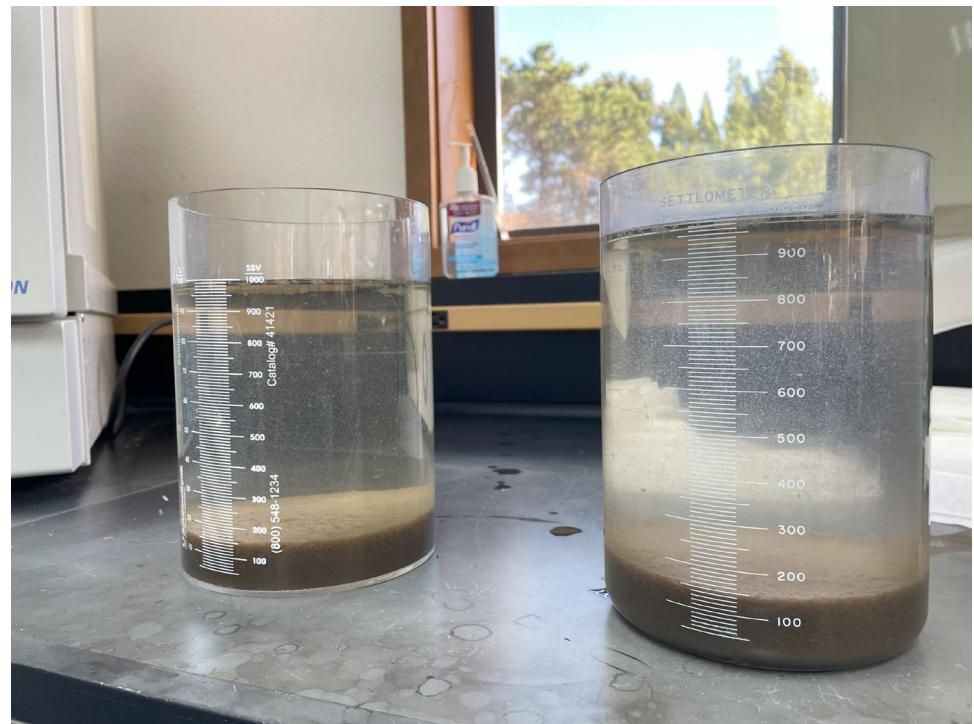
# Optimization

Process Monitoring and Adjustment

Enhanced sampling and analysis

Data management

Process control targets



# Wastewater Treatment Plant Optimization

Sampling and analysis schedule

Process control targets and actions

Aeration system

Anaerobic digester

Sludge feed

Industrial monitoring



# Wastewater Treatment Plant Effluent

Effluent Concentrations, mg/l				
NPDES Daily Limit	CBOD	TSS	NH3	NO3
10 mg/l	10 mg/l	<0.88	No limit	
Month	CBOD	TSS	NH3	NO3
May	2.1	5.8	0.06	15.2
June	1.8	6.6	0.05	24.1
July	1.9	9.0	0.05	23.7
August	2.3	5.2	0.08	20.7
September	1.6	3.1	0.21	17.5
October	1.7	5.4	0.07	19.2

100% Permit Compliance





## Wastewater Treatment Facility

# Harvest Operations After Action Summary

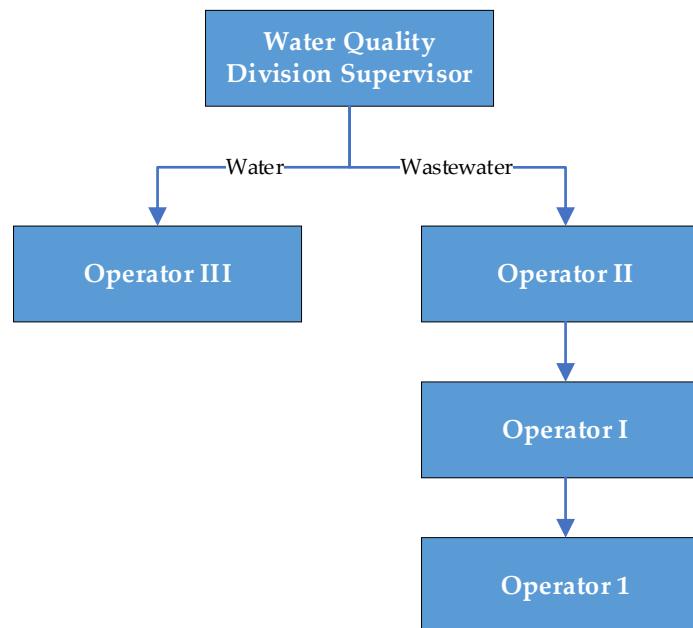
Staffing

Data Management

Operations

# Wastewater Treatment Plant Staffing

Water Quality Division Operations and Maintenance		
Wastewater Treatment	Water Treatment	Water Pump Station (1ea)
Sewage Pump Stations (8ea)	City Swimming Pool	Industrial Pretreatment



# Wastewater Treatment Plant Staffing



New England Interstate Water Pollution Control Commission

THE NORTHEAST GUIDE FOR ESTIMATING STAFFING AT PUBLICLY AND PRIVATELY OWNED WASTEWATER TREATMENT PLANTS (One Shift)

Plant Name: Silverton WWTP	
Design Flow: 1.0-5.0 mgd	Actual Flow: 1.5
FINAL ESTIMATES	
Chart #	Annual Hours
Chart 1 – Basic and Advanced Operations and Processes	3276.00
Chart 2 – Maintenance	1066.00
Chart 3 – Laboratory Operations	1078.00
Chart 4 – Biosolids/Sludge Handling	1300.00
Chart 5 – Yardwork	480.00
Estimated Operation and Maintenance Hours	7200.00
Estimated Operation and Maintenance Staff	4.80
Estimated Additional Staff from Chart 7	1.20
TOTAL STAFFING ESTIMATE	6.00



# Wastewater Treatment Plant

Recommendations

Staffing

Laboratory QA/QC

Data management

Maintenance management

Solids processing evaluation

Asset condition assessment



# Thank you



WATERDUDE  
SOLUTIONS



SolidsDude Solutions LLC



**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	<b>Agenda Item No.:</b>	<b>Topic:</b>
	8.1	Resolution 23-30: A Resolution Adopting Updates to the City of Silverton Emergency Operations Plan.
	<b>Agenda Type:</b>	
	Consent	
	<b>Meeting Date:</b>	
	December 4, 2023	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
Tammy Shaver	Cory Misley	Cory Misley

Recommendation:

Adopt Resolution 23-30: A Resolution Adopting Updates to the City of Silverton Emergency Operations Plan.

Background:

The Silverton Emergency Operations (EOP) plan requires review every five years or after an emergency incident, with all amendments or updates to be approved by the City Council. The current plan was adopted on December 6, 2021, and Silverton experienced an ice-storm emergency in 2021.

City Staff should review the Emergency Operations Plan annually for technology, service provider, staff, and stakeholder updates. Changes related to these items are the only updates included in this EOP update.

Attached, please find Resolution 23-30 and the updated Emergency Operations Plan. Specific updates are attached, first are from the current Plan for comparison, second are the updates (highlighted in yellow).

The following is an executive summary of the proposed updates to the EOP.

Cover Page	Added the latest revision date
Resolution	Added Resolution 23-30
Page ix	Added the date for this updated plan
Page x	Added the dates when the plan will be distributed (if approved by the City Council)
<u>Appendix E</u>	Emergency Contact List
Page E-1	
<u>Appendix FA1</u>	Emergency Services
Page FA1-iii	Table of Contents
Page FA1-8	Section 5 City of Silverton Emergency Services Functions
Page FA1-8	5.1 Alert and Warning
Page FA1-9	5.1.3 CodeRED

**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

Budget Impact	Fiscal Year	Funding Source
None	2023-2024	General Fund

**Attachments:**

Attachment 1 – EOP – updated pages and current pages for comparison – Redacted

**CITY OF SILVERTON**  
**RESOLUTION**  
**23-30**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SILVERTON  
ADOPTING UPDATES TO THE CITY OF SILVERTON EMERGENCY OPERATIONS  
PLAN**

**WHEREAS**, Section 2.44.010 of the Silverton Municipal Code provides that all changes to the City of Silverton Emergency Operation Plan be adopted by resolution of the City Council; and

**WHEREAS**, the current Silverton Emergency Operations Plan requires the plan to be reviewed and approved by the City Council every five years, or after an incident; and

**WHEREAS**, the current Silverton Emergency Operation Plan was adopted on December 6, 2021; and

**WHEREAS**, the current Emergency Operations Plan shall be reviewed annually by City Staff for technology, service provider, staff, and stakeholder updates;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON AS  
FOLLOWS:**

Section 1: That the City of Silverton hereby amends the City of Silverton Emergency Operations Plan as provided in respective “City of Silverton Emergency Operations Plan” and dated October 2008, Revised May 2015, Revised December 2021, and Updated December 2023” which by this reference is hereby incorporated into this resolution as though it were set forth verbatim herein.

Section 2: That this resolution is and shall be effective after its passage by the City Council of the City of Silverton.

Resolution adopted by the City Council of the City of Silverton, this 4<sup>th</sup> day of December, 2023.

---

Jason Freilinger  
Mayor, City of Silverton

ATTEST

---

Cory R. Misley  
City Manager/Recorder, City of Silverton

# CITY OF SILVERTON, OREGON

# Emergency Operations Plan

October, 2008

Revised, 2015

Revised, 2021

Council Adopted December 6, 2021



**CITY OF SILVERTON**  
**RESOLUTION**  
**21-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SILVERTON  
AMENDING THE CITY OF SILVERTON EMERGENCY OPERATIONS PLAN**

**WHEREAS**, Section 2.44.010 of the Silverton Municipal Code provides that all changes to the City of Silverton Emergency Operation Plan be adopted by resolution of the City Council; and

**WHEREAS**, the current Silverton Emergency Operations Plan requires the plan to be reviewed and approved by the City Council every five years, or after an incident; and

**WHEREAS**, the current Silverton Emergency Operation Plan was adopted on May 4, 2015; and

**WHEREAS**, the City of Silverton experienced an ice-storm emergency incident in 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON AS  
FOLLOWS:**

Section 1: That the City of Silverton hereby amends the City of Silverton Emergency Operations Plan as provided in respective “City of Silverton Emergency Operations Plan” and dated October 2008, Revised May 2015, Revised December 2021,” which by this reference is hereby incorporated into this resolution as though it were set forth verbatim herein.

Section 2: That this resolution is and shall be effective after its passage by the City Council of the City of Silverton.

Resolution adopted by the City Council of the City of Silverton, this 6<sup>th</sup> day of December, 2021.

---

Kyle Palmer  
Mayor, City of Silverton

ATTEST

---

Ronald F. Chandler  
City Manager/Recorder, City of Silverton

## **Plan Administration**

The Silverton Emergency Operations Plan, including appendices and annexes, will be reviewed and approved by City Council every five years, or after an incident to improve effectiveness. All updates and revisions to the plan will be tracked and recorded in the following table. This process will ensure the most recent version of the plan is disseminated and implemented by emergency response personnel.

## **Record of Plan Changes**

## **Plan Administration (Cont.)**

### **Plan Distribution List**

Copies of this plan have been provided to the following jurisdictions, agencies, and persons. Updates will be provided. The recipient will have the responsibility for updating the Emergency Operations Plan when changes are received. The Silverton Emergency Management Organization (EMO) Director is ultimately responsible for all plan updates.

#### **Record of Plan Distribution**

Date	Document Number	Jurisdiction/Agency/Person
12/10/2021	21-01	City Manager/EMO Director
12/10/2021	21-02	ASD/EMO Coordinator
12/10/2021	21-03	Chief of Police
12/10/2021	21-04	Police Captain
12/10/2021	21-05	Public Works Director
12/10/2021	21-06	Public Works Administrative Assistant
12/10/2021	21-07	Public Works Senior Engineer
12/10/2021	21-08	Public Works Engineer Technician
12/10/2021	21-09	Community Development Director
12/10/2021	21-10	Building Official
12/10/2021	21-11	Permit Specialist
12/10/2021	21-12	Finance Director
12/10/2021	21-13	Accounting Manager
12/10/2021	21-14	PW – Maintenance Division Supervisor
12/10/2021	21-15	PW – Maintenance Administrative Assistant
12/10/2021	21-16	PW – Maintenance Operator III/Lead
12/10/2021	21-17	PW – Maintenance Operator II
12/10/2021	21-18	PW – Water Quality Division Supervisor
12/10/2021	21-19	PW – Water/Sewer Operator
12/10/2021	21-20	City Council Members – Travel Drives
12/10/2021	21-21	Marion County Emergency Management
12/10/2021	21-22	Silverton Fire District

*E. Emergency Contact List*

CITY MAYOR AND COUNSELORS	PRIMARY CONTACT	SECONDARY CONTACT
Kyle Palmer Mayor	[REDACTED]	
Jason Freilinger Council President	[REDACTED]	
Dana Smith	[REDACTED]	
Elvi Cuellar Sutton	[REDACTED]	
Jess Miller	[REDACTED]	
Jim Sears	[REDACTED]	
Crystal Neideigh	[REDACTED]	

CITY DEPARTMENT MANAGERS	PRIMARY CONTACT	SECONDARY CONTACT
City Manager, Ronald Chandler	503-874-2205	[REDACTED]
Assistant to the City Manager/HR Coordinator, Simone Stewart	503-874-2204	[REDACTED]
Assistant to the City Manager/City Clerk	503-874-2216	[REDACTED]
Finance Director, Kathleen Zaragoza	503-874-2203	[REDACTED]
Chief of Police, Jim Anglemier	503-874-2230	[REDACTED]
Public Works Director, Travis Sperle	503-874-2210	[REDACTED]
Community Development Director, Jason Gottgetreu	503-874-2212	[REDACTED]
Police Captain, Josh Boatner	503-874-2229	[REDACTED]
Maintenance Supervisor, Mike Dahlberg	503-874-2280	[REDACTED]
Water Quality Supervisor, Troy Kemper	503-874-2301	[REDACTED]

# Table of Contents

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<b>2 Situation and Assumptions .....</b>	<b>FA1-1</b>
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2.2 Assumptions.....	FA1-1
<b>3 Roles and Responsibilities .....</b>	<b>FA1-3</b>
3.1 General Responsibilities .....	FA1-3
3.1.1 Mayor/City Council .....	FA1-3
3.1.2 EMO Director (City Manager) .....	FA1-3
3.1.3 Fire Protection District.....	FA1-4
3.1.4 Silverton Police Department.....	FA1-4
3.1.5 Silverton Public Works Department.....	FA1-5
3.1.6 Marion County.....	FA1-5
<b>4 Concept of Operations .....</b>	<b>FA1-5</b>
4.1 Emergency Management Organization.....	FA1-5
4.2 Emergency Operations Center .....	FA1-6
4.2.1 Facilities and Equipment .....	FA1-6
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<b>5 City of Silverton Emergency Services Functions .....</b>	<b>FA1-8</b>
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5.3 Emergency Telecommunications.....	FA1-12
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5.5 Law Enforcement Services .....	FA1-13
5.6 Resource Management.....	FA1-13
5.7 Recovery .....	FA1-14

5 of this EOP. Command and General staff for the EOC include the following the City Department heads.

#### **4.2.6 De-Activation Guidelines**

Each situation will need to be evaluated to determine the need for continued operation of the EOC after the emergency response phase of the incident has been completed. The decision is made by the EOC Director.

During the initial phase of the recovery period for a major disaster, it may be desirable to continue to operate the City EOC during the day with limited staffing to facilitate the dissemination of information on disaster relief programs available for the public and local government. This alternative should be weighed against the option of immediately requiring the City Manager and staff to handle the recovery phase as part of their daily responsibilities, which is the ultimate goal.

The City Manager has the final approval authority for activation and closure of the EOC. Once the decision has been made to limit hours/staff or close the EOC, the information needs to be disseminated to the same agencies that were notified when it was activated.

### **5 City of Silverton Emergency Services Functions**

#### **5.1 Alert and Warning**

The effectiveness of an alert and warning system depends in a large degree upon the specificity and clarity of instructions, and upon whether or not the public perceives the warning entity as credible at the time the warning is issued. In addition, messages must be geographically precise, and must be repeated more than once, and in more than one medium.

The City of Silverton's alert and warning system utilizes the local EAS, CodeRED police and fire public address systems, and door-to-door contact. Other local media (TV, radio, newspaper, etc.) may be utilized as appropriate. These methods may be used separately, or in combination to alert and warn the public of an emergency. In addition, special facilities including schools, hospitals, utilities, and industrial facilities may need notification. Contact information for these facilities is contained in Appendix 12 of this annex.

##### **5.1.1 General Guidelines**

- Upon detection of an emergency condition arising within the City, the Incident Commander will decide if there is a need for immediate alert, and shall attempt to notify EMO Director; and then direct its implementation.
- Silverton may also receive warning information from the County by telephone, the Oregon State Police, Fire Net, and Oregon Emergency Management through the Law Enforcement Data System (LEDS). When warning information is received by telephone, the information should be confirmed by a return telephone call.

- If the emergency is localized, City law enforcement may alert residents in the area by telephone, mobile public address systems, and door-to-door contact.
- The City of Silverton will educate residents about the City's alert and warning system.
- A log of warnings issued during the incident shall be maintained by the Public Information Officer (FA 1, Appendix 2).

#### **5.1.2 Emergency Alert System**

The National EAS consists of broadcast stations linked together and to government offices to provide emergency alert and warning to the public. The City of Silverton's primary public broadcast station is identified in the Marion County Resource Directory. All participating television and radio stations rebroadcast the information given to the primary station.

Detailed instructions for the activation and use of the Emergency Broadcast System are outlined in the Marion County EAS Plan located in Appendix 1 of this annex. The Marion County EAS Plan can be activated by the City Manager, EMO Director, or the Incident Commander. Sample EAS messages can be found in Appendix 1.

#### **5.1.3 CodeRED**

The City of Silverton has implemented an early warning system for emergency notifications known as the CodeRED System. It is a web-based system that allows residents to be contacted quickly in the event of an emergency. The system also generates a report to indicate who did not receive a call so that they may be contacted by other means. It may be used in the event of fires, chemical spills, evacuations, lockdowns, natural disasters, down power lines, flooding, lost individuals, water system problems, bomb threats, abductions, earthquakes, or a variety of other man-made and natural emergencies. Protocols for the activation and use of CodeRED System have been developed for Silverton and are available in a separate document.

#### **5.1.4 Other Methods Of Alert**

Most marked police vehicles and most fire vehicles are equipped with mobile or hand-held public address systems which may be used for alert and warning.

Door to door alert may be necessary in the event of a rapidly emerging incident which poses a clear threat to public safety. Residents will be directed to temporary shelter depending upon the weather, and the expected duration of the emergency.

Direction of these assets shall be the responsibility of the Incident Command through the Law Enforcement Branch Director, with input and support from the Planning, Logistics, and Operations Sections.



# CITY OF SILVERTON, OREGON

# Emergency Operations Plan

October, 2008

Revised, 2021

Updated, 2023

Council Adopted December 4, 2023



**CITY OF SILVERTON**

**RESOLUTION**

**23-30**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SILVERTON  
ADOPTING UPDATES TO THE CITY OF SILVERTON EMERGENCY OPERATIONS  
PLAN**

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FOLLOWS:**

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**Section 2:** That this resolution is and shall be effective after its passage by the City Council of the City of Silverton.

Resolution adopted by the City Council of the City of Silverton, this 4<sup>th</sup> day of December, 2023.

---

Jason Freilinger  
Mayor, City of Silverton

ATTEST

---

Cory R. Misley  
City Manager/Recorder, City of Silverton

## **Plan Administration**

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12/11/2023	23-04	Police Captain
12/11/2023	23-05	Public Works Director
12/11/2023	23-06	Public Works Administrative Assistant
12/11/2023	23-07	Public Works Senior Engineer
12/11/2023	23-08	Public Works Engineer Technician
12/11/2023	23-09	Community Development Director
12/11/2023	23-10	Building Official
12/11/2023	23-11	Permit Specialist
12/11/2023	23-12	Finance Director
12/11/2023	23-13	Accounting Manager
12/11/2023	23-14	PW – Maintenance Division Supervisor
12/11/2023	23-15	PW – Maintenance Administrative Assistant
12/11/2023	23-16	PW – Maintenance Operator III/Lead
12/11/2023	23-17	PW – Maintenance Operator II
12/11/2023	23-18	PW – Water Quality Division Supervisor
12/11/2023	23-19	PW – Water/Sewer Operator
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12/11/2023	23-21	Marion County Emergency Management
12/11/2023	23-22	Silverton Fire District

**E. Emergency Contact List**

CITY MAYOR AND COUNSELORS	PRIMARY CONTACT	SECONDARY CONTACT
<b>Jason Freilinger Mayor</b>	[REDACTED]	<a href="mailto:jfreilinger@silverton.or.us">jfreilinger@silverton.or.us</a>
<b>Elvi Cuellar Sutton Council President</b>	[REDACTED]	<a href="mailto:esutton@silverton.or.us">esutton@silverton.or.us</a>
<b>Jess Miller</b>	[REDACTED]	<a href="mailto:jmiller@silverton.or.us">jmiller@silverton.or.us</a>
<b>April Newton</b>	[REDACTED]	<a href="mailto:anewton@silverton.or.us">anewton@silverton.or.us</a>
<b>Eric Hammond</b>	[REDACTED]	<a href="mailto:ehammond@silverton.or.us">ehammond@silverton.or.us</a>
<b>Marie Traeger</b>	[REDACTED]	<a href="mailto:mtraeger@silverton.or.us">mtraeger@silverton.or.us</a>
<b>Matt Gaitan</b>	[REDACTED]	<a href="mailto:mgaitan@silverton.or.us">mgaitan@silverton.or.us</a>

CITY DEPARTMENT MANAGERS	PRIMARY CONTACT	SECONDARY CONTACT
<b>City Manager, Cory Misley</b>	<b>503-874-2205</b>	[REDACTED]
<b>Assistant to the City Manager/HR Coordinator, Tammy Shaver</b>	<b>503-874-2204</b>	[REDACTED]
<b>Assistant to the City Manager/City Clerk, Jamie Ward</b>	<b>503-874-2216</b>	
<b>Finance Director/Deputy City Manager, Kathleen Zaragoza</b>	<b>503-874-2203</b>	[REDACTED]
<b>Chief of Police, Jim Anglemier</b>	<b>503-874-2230</b>	[REDACTED]
<b>Public Works Director, Travis Sperle</b>	<b>503-874-2210</b>	[REDACTED]
<b>Community Development Director, Jason Gottgetreu</b>	<b>503-874-2212</b>	[REDACTED]
<b>Police Captain, Todd Engstrom</b>	<b>503-874-2229</b>	[REDACTED]
<b>Maintenance Supervisor, Mike Dahlberg</b>	<b>503-874-2280</b>	[REDACTED]
<b>Water Quality Supervisor, Brad Jensen</b>	<b>503-874-2301</b>	[REDACTED]

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5 of this EOP. Command and General staff for the EOC include the following the City Department heads.

#### **4.2.6 De-Activation Guidelines**

Each situation will need to be evaluated to determine the need for continued operation of the EOC after the emergency response phase of the incident has been completed. The decision is made by the EOC Director.

During the initial phase of the recovery period for a major disaster, it may be desirable to continue to operate the City EOC during the day with limited staffing to facilitate the dissemination of information on disaster relief programs available for the public and local government. This alternative should be weighed against the option of immediately requiring the City Manager and staff to handle the recovery phase as part of their daily responsibilities, which is the ultimate goal.

The City Manager has the final approval authority for activation and closure of the EOC. Once the decision has been made to limit hours/staff or close the EOC, the information needs to be disseminated to the same agencies that were notified when it was activated.

### **5 City of Silverton Emergency Services Functions**

#### **5.1 Alert and Warning**

The effectiveness of an alert and warning system depends in a large degree upon the specificity and clarity of instructions, and upon whether or not the public perceives the warning entity as credible at the time the warning is issued. In addition, messages must be geographically precise, and must be repeated more than once, and in more than one medium.

The City of Silverton's alert and warning system uses the local EAS, Everbridge Citizen Alert Program, police and fire public address systems, and door-to-door contact. Other local media (TV, radio, newspaper, etc.) may be utilized as appropriate. These methods may be used separately, or in combination to alert and warn the public of an emergency. In addition, special facilities including schools, hospitals, utilities, and industrial facilities may need notification. Contact information for these facilities is contained in Appendix 12 of this annex.

##### **5.1.1 General Guidelines**

- Upon detection of an emergency condition arising within the City, the Incident Commander will decide if there is a need for immediate alert and shall attempt to notify EMO Director; and then direct its implementation.
- Silverton may also receive warning information from the County by telephone, the Oregon State Police, Fire Net, and Oregon Emergency Management through the Law Enforcement Data System (LEDS). When warning information is received by telephone, the information should be confirmed by a return telephone call.

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- Silverton may also receive warning information from the County by telephone, the Oregon State Police, Fire Net, and Oregon Emergency Management through the Law Enforcement Data System (LEDS). When warning information is received by telephone, the information should be confirmed by a return telephone call.

- If the emergency is localized, City law enforcement may alert residents in the area by telephone, mobile public address systems, and door-to-door contact.
- The City of Silverton will educate residents about the City's alert and warning system.
- A log of warnings issued during the incident shall be maintained by the Public Information Officer (FA 1, Appendix 2).

### **5.1.2 Emergency Alert System**

The National EAS consists of broadcast stations linked together and to government offices to provide emergency alert and warning to the public. The City of Silverton's primary public broadcast station is identified in the Marion County Resource Directory. All participating television and radio stations rebroadcast the information given to the primary station.

Detailed instructions for the activation and use of the Emergency Broadcast System are outlined in the Marion County EAS Plan located in Appendix 1 of this annex. The Marion County EAS Plan can be activated by the City Manager, EMO Director, or the Incident Commander. Sample EAS messages can be found in Appendix 1.

### **5.1.3 Everbridge Citizen Alert Program**

The City of Silverton has implemented an early warning system for emergency notifications known as the Everbridge Citizen Alert Program. It is a web-based system that allows residents to be contacted quickly in the event of an emergency. **The system also generates a report to indicate who it was unable to contact so that they may be contacted by other means.** It may be used in the event of fires, chemical spills, evacuations, lockdowns, natural disasters, down power lines, flooding, lost individuals, water system problems, bomb threats, abductions, earthquakes, or a variety of other man-made and natural emergencies. Protocols for the activation and use of Everbridge Citizen Alert Program have been developed for Silverton and are available in a separate document.

### **5.1.4 Other Methods Of Alert**

Most marked police vehicles and most fire vehicles are equipped with mobile or hand-held public address systems which may be used for alert and warning.

Door to door alert may be necessary in the event of a rapidly emerging incident which poses a clear threat to public safety. Residents will be directed to temporary shelter depending upon the weather, and the expected duration of the emergency.

Direction of these assets shall be the responsibility of the Incident Command through the Law Enforcement Branch Director, with input and support from the Planning, Logistics, and Operations Sections.

**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	<b>Agenda Item No.:</b>	<b>Topic:</b>
	8.2	Civic Center Change Order Ratification
	<b>Agenda Type:</b>	
	Consent	
	<b>Meeting Date:</b>	
	December 4, 2023	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
Jason Gottgetreu	Kathleen Zaragoza	Cory Misley

**Recommendation:**

Ratify the City Manager amendments to the construction contract with Corp Inc. from \$15,211,892.31 to \$15,258,578.09.

**Background:**

As noted during the August 7, 2023, City Council meeting, the City Council adopted modified purchasing policies for the Civic Center project to allow contract modifications of up to \$60,000 to be staff approved. The intent moving forward is to have the contract amendments ratified by Council each month rather than the previous practice of informing the Council through the Community Development Department Monthly Report.

The Civic Center is under construction. The exterior walls are framed, and exterior sheathing is complete. The interior framing is installed on the first floor and second floor. Mechanical, electric, and plumbing are generally finished on the first floor and second floor. Insulation and drywall are installed on the first floor and second floor. The lobby floor polish finish is complete. Site concrete work has begun and is mostly complete. Roadwork on N Water St is complete for the season. Road paving on A Street and within the driving area occurred mid-October. Sidewalks around the site are installed. Site walls are being installed. The windows are installed. Painting of the interior is underway. Tile work in the bathrooms is complete on the first floor and is in progress on the second floor. Landscape irrigation is complete, and plants are being planted. The City of Silverton Public Works crew graded and seeded the southern portion of the site. Casework is being installed. Flooring is being installed.

The construction contract amount was initially \$14,750,000. There have been several Change Order Requests as part of the project that to date have added an additional \$508,578.09 to the contract for a new contract total of \$15,258,578.09, a 3.45% increase. This increase is \$46,685.78 from the November Council report. As of the November payment requests total \$13,269,528.35 and there is a \$1,989,049.74 remaining balance.

Budget Impact	Fiscal Year	Funding Source
\$46,685.78	2023-2024	Civic Center Project Fund

**Attachments:**

**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	<b>Agenda Item No.:</b>	<b>Topic:</b>
	8.3	Accept the Systems Development Charge (SDC) Annual Report for Fiscal Year 2022-2023
	<b>Agenda Type:</b>	
	Consent	
	<b>Meeting Date:</b>	
	December 4, 2023	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
Kathleen Zaragoza	Cory Misley	Cory Misley

**Recommendation:**

Accept the Systems Development Charge (SDC) Annual Report for Fiscal Year 2022-2023.

**Background:**

The City is required per ORS 223.311 to prepare an annual SDC report which provides revenues and expenditures for the previous fiscal year.

The City collects SDC's for Transportation, Storm Drainage, Sanitary Sewer, Water and Parks & Recreation. The revenues and expenditures are accounted for in the financial system as separate funds to assure that resources are expended as per Statutes.

The attached report provides information related to revenues received and the expenditure for the various SDC funds for the Fiscal Year 2022-2023.

<b>Budget Impact</b>	<b>Fiscal Year</b>	<b>Funding Source</b>
No	2023-2024	SDC's

**Attachments:**

1. SDC Annual Summary Report FY 2022-2023
2. Copy of the letter to the Home Builders Association of Marion and Polk Counties



## CITY OF SILVERTON FINANCE DEPARTMENT

306 S. Water Street | Silverton, Oregon 97381

November 6, 2023

Homebuilders Association of Marion & Polk Counties  
Attn. Mike Erdmann, CEO  
2075 Madrona Ave SE #100  
Salem, OR 97302

Homebuilders Association of Marion & Polk Counties,

Enclosed you will find a copy of the Systems Development Charge Annual Report for Fiscal Year 2022-2023. The report is scheduled to be on the December 4, 2023 City Council Agenda.

If you have any questions, you can contact me at (503) 874-2203 or by email at [kzaragoza@silverton.or.us](mailto:kzaragoza@silverton.or.us).

Sincerely,

Kathleen Zaragoza, Deputy City Manager/Finance Director

**CITY OF SILVERTON**  
**SUMMARY OF IMPROVEMENT & REIMBURSEMENT**  
**SDC REVENUES AND EXPENDITURES FOR FISCAL YEAR 2022-2023**

**I STREET IMPROVEMENT SDC FUND**

Beginning Fund Balance	021-000-49090	\$ 2,184,397.10
A. Revenue from SDC Fees - Street Improvement	021-000-42307	110,233.96
Revenue from SDC Fees - Steelhamer SDC	021-000-42308	27,008.12
Interest	021-000-45002	<u>64,999.51</u>
	Revenue Subtotal:	202,241.59
B. Other Financing Expenditures - Refunds	021-021-61053	\$ (49,662.00)
C. Improvement Project Expenditures/Transfers	021-021-95217	-
Contracted Services -	021-021-61059	(3,410.50)
D. Street Capacity Improvements	021-021-81072	<u>(43,778.00)</u>
	Expense Subtotal:	(96,850.50)
	<b>Unexpended Street Improvement SDC Funds:</b>	<b>\$ 2,289,788.19</b>

**II STREET REIMBURSEMENT SDC FUND**

Beginning Fund Balance	022-000-49090	\$ 574,045.07
A. Revenue from SDC Fees	022-000-42309	\$ 20,973.53
Interest	022-000-45002	<u>16,983.70</u>
	Revenue Subtotal:	37,957.23
B. Other Financing Expenditures - Refunds	022-022-61053	\$ (10,079.00)
C. Improvement Project Expenditures/Transfers	022-022-95217	-
D. Street Capacity Improvements	022-022-81072	<u>-</u>
	Expense Subtotal:	(10,079.00)
	<b>Unexpended Street Reimbursement SDC Funds:</b>	<b>\$ 601,923.30</b>

**III STEELHAMMER PROJECT FUND**

Beginning Fund Balance	217-000-49090	\$ 22,552.53
A. Revenue from SDC Fees - Steelhammer	217-000-42308	\$ -
Interest	217-000-45002	<u>-</u>
	Revenue Subtotal:	-
B. Other Financing Expenditures - Transferred to St Imp SDC	217-217-95021	\$ (22,552.53)
C. Improvement Project Expenditures- widening and sidewalk	217-217-85020	-
Contracted Services - Engineering	217-217-85010	<u>-</u>
	Expense Subtotal:	(22,552.53)
	<b>Unexpended Steelhammer Project Funds:</b>	<b>\$ -</b>

**IV STORM WATER IMPROVEMENT SDC FUND**

Beginning Fund Balance	023-000-49090	\$ 263,330.22
A. Revenue from SDC Fees	023-000-42307	\$ 14,956.55
Interest	023-000-45002	<u>7,644.81</u>
	Revenue Subtotal:	22,601.36
B. Other Financing Expenditures - Refunds	023-023-61053	\$ (13,839.00)
C. Improvement Project Expenditures/Transfers	023-023-61059	\$ (3,410.50)
Contracted Services - SDC Methodology update	023-023-81072	<u>(3,780.00)</u>
Improvement Project Expenditures - Westrand Development	023-023-81801	<u>(2,100.00)</u>
	Expense Subtotal:	(23,129.50)
	<b>Unexpended Storm Water Improvement SDC Funds:</b>	<b>\$ 262,802.08</b>

**V STORM WATER REIMBURSEMENT SDC FUND**

A. Beginning fund Balance	024-000-49090	\$ 184,691.60
Revenue from SDC Fees	024-000-42309	\$ 10,672.68
Interest	024-000-45002	<u>5,460.12</u>
	Revenue Subtotal:	16,132.80
B. Other Financing Expenditures - Refunds	024-024-61053	\$ (15,991.00)
System Capacity Improvements	024-024-81072	<u>(2,468.34)</u>
	Expense Subtotal:	(18,459.34)
	<b>Unexpended Storm Water Reimbursement SDC Funds:</b>	<b>\$ 182,365.06</b>

**SUMMARY OF IMPROVEMENT & REIMBURSEMENT  
SDC REVENUES AND EXPENDITURES FOR FISCAL YEAR 2022-2023**

**VI SEWER IMPROVEMENT SDC FUND**

Beginning Fund Balance	031-000-49090	\$ 1,601,830.25
A. Revenues from SDC Fees	031-000-42307	\$ 89,518.39
Interest	031-000-45002	47,947.63
	Revenue Subtotal:	
	031-031-61053	\$ (3,136.00)
B. Other Financing Expenditures - Refunds		
C. Improvement Project Expenditures/Transfers		
Contracted Services -	031-031-61059	(3,410.50)
D. SDC Reimburse/Credit Payments to Developers	031-031-81801	-
	Expense Subtotal:	
		(6,546.50)
	<b>Unexpended Sewer Improvement SDC Funds:</b>	<b>\$ 1,732,749.77</b>

**VII SEWER REIMBURSEMENT SDC FUND**

Beginning Fund Balance	032-000-49090	\$ 2,246,946.86
A. Revenues from SDC Fees	032-000-42309	\$ 39,080.65
Interest	032-000-45002	66,013.16
	Revenue Subtotal:	
	032-032-61053	\$ (1,517.00)
B. Other Financing Expenditures - Refunds		
C. Reimbursement Project Expenditures/Transfers		
D. SDC Reimburse/Credit Payments to Developers	032-032-95226	-
	Expense Subtotal:	
	032-032-81801	(1,517.00)
	<b>Unexpended Sewer Reimbursement SDC Funds:</b>	<b>\$ 2,350,523.67</b>

**VIII WATER IMPROVEMENT SDC FUND**

Beginning Fund Balance	041-000-49090	\$ 2,406,195.01
A. Revenues from SDC Fees	041-000-42307	\$ 156,699.39
Interest	041-000-45002	40,681.38
	Revenue Subtotal:	
	041-041-61053	\$ (6,928.00)
B. Other Financing Expenditures - Refunds		
C. Improvement Project Expenditures/Transfers	041-041-95	(1,756,673.77)
Contracted Services -	041-041-61059	(3,410.50)
	Expense Subtotal:	
		(1,767,012.27)
	<b>Unexpended Water Improvement SDC Funds:</b>	<b>\$ 836,563.51</b>

**IX WATER REIMBURSEMENT SDC FUND**

Beginning Fund Balance	042-000-49090	\$ 556,731.91
A. Revenues from SDC Fees	042-000-42309	\$ 35,158.89
Interest	042-000-45002	16,626.06
	Revenue Subtotal:	
	042-042-61053	\$ (1,357.00)
B. Other Financing Expenditures - Refunds		
C. Improvement Project Expenditures/Transfers	042-042-95073	-
D. SDC Reimburse/Credit Payments to Developers	042-042-81801	-
	Expense Subtotal:	
		(1,357.00)
	<b>Unexpended Water Reimbursement SDC Funds:</b>	<b>\$ 607,159.86</b>

**X PARKS & RECREATION IMPROVEMENT SDC FUND**

Beginning Fund Balance	072-000-49090	\$ 2,389,494.55
A. Revenues from SDC Fees	072-000-42307	\$ 134,060.78
Interest	072-000-45002	68,214.35
	Revenue Subtotal:	
	072-072-61053	\$ (3,881.00)
B. Other Financing Expenditures - Refunds		
C. Improvement Project Expenditures - All abilities park	072-072-81040	(127,000.00)
C. Improvement Project Expenditures/Transfers	072-072-95	(75,000.00)
Contracted Services - SDC Methodology update	072-072-61059	(3,410.50)
D. SDC Reimburse/Credit Payments to Developers	072-072-81801	-
	Expense Subtotal:	
		(209,291.50)
	<b>Unexpended Parks &amp; Recreation SDC Funds:</b>	<b>\$ 2,382,478.18</b>
		<b>\$ 11,246,353.62</b>

**SILVERTON CITY COUNCIL STAFF REPORT  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	<b>Agenda Item No.:</b>	<b>Topic:</b>
	9.1	Reappointment to the Oregon Garden Foundation
	<b>Agenda Type:</b>	Appointments to Committees and Advisory Groups
	<b>Meeting Date:</b>	December 4, 2023
	<b>Prepared by:</b>	<b>Reviewed by:</b>
Tammy Shaver	Cory Misley	<b>Approved by:</b>
		Cory Misley

**Recommendation:**

Reappoint Darin Rybloom to the Oregon Garden Foundation (OGF).

**Background:**

Darin Rybloom has served on the Oregon Garden Foundation. His current term is set to expire in December 2023. Mr. Rybloom has indicated he would like to be reappointed to the OGF for another three-year term expiring December 2026.

<b>Budget Impact</b>	<b>Fiscal Year</b>	<b>Funding Source</b>
None	2023-2024	N/A

**Attachments:**

1. None

**COMMUNITY DEVELOPMENT DEPARTMENT  
MONTHLY REPORT**

For The December 4, 2023, City Council Meeting

Planning Division

- The Civic Center is under construction. The steel frame is erected roof installed and the second floor has been poured. The exterior walls are framed, and exterior sheathing is complete. The street re-work has been completed on the second floor. The interior framing is installed on the first floor and second floor. Mechanical, Electric, and Plumbing is generally finished on the first floor and second floor. Insulation and drywall are installed on the first floor and second floor. Interior mason work for the holding cells and armory is complete. The lobby floor polish finish is complete. Site concrete work has begun with the concrete curb around the south parking area has been poured as well as the previous concrete parking stalls and plaza and walkway areas near the entrances. Roadwork on N Water St is complete for the season. Road paving on A Street and within the drive area occurred mid-October. Sidewalks around the site are installed. Site walls are being installed. Old train tracks were discovered under the road and have been removed. The windows are installed. Painting of the interior is underway. Tile work in the bathrooms is completed on the first floor and is in progress on the second floor. Landscape irrigation is completed, and plants are being installed. The City of Silverton Public Works crew graded and seeded the southern portion of the site. Casework is being installed. Flooring is being installed.

The construction contract amount was initially \$14,750,000. There have been several Change Order Requests as part of the project that to date have added an additional \$476,987.57 to the contract for a new contract total of \$15,258,578.09, a 3.45% increase. This increase is \$46,685.78 from the November Council report. As of the November payment request, \$12,606,051.93 has been paid out on the project with a \$2,652,526.16 balance to finish.

- The Affordable Housing Task Force met on November 21<sup>st</sup> and reviewed the Draft Request for Proposals for a potential Affordable Housing Development on the Westfield property. The RFQ has been advertised with a submission date of December 12<sup>th</sup>.
- The Silverton Urban Renewal Advisory Committee met October 30<sup>th</sup> to review a draft survey for public input on a Main Street Project. The survey will be available for the tree lighting on December 1<sup>st</sup>.
- The Planning Commission met on November 14<sup>th</sup> to review:
  - An Annexation application to annex 827 Railway Avenue NE into the City Limits and zone the property GC, General Commercial.
    - Recommended Council approve the request.
  - A Zone Change Application to change the zoning of 602 Eureka Avenue from R-1, Single Family Residential to R-5, Low Density Residential.
    - Recommended Council deny the request.
- Staff approved a Minor Partition application request to divide 216 Cherry Street, a 0.45 acre parcel, into three parcels with parcel 1 containing 5,092 square feet, parcel 2 containing 6,646 square feet, and parcel 3 containing 7,248 square feet. The parcels will be accessed via a 20' shared access and utility easement off Cherry Street.

- Staff approved a Property Line Adjustment application to adjust the common property lines between 1507 N. 2nd Street and Marion County Assessor Map and tax lot #061W27DA01200. The application also includes a concurrent Minor Partition application request to divide 1507 N. 2nd Street into two parcels with parcel 1 containing 10,750 square feet and parcel 2 containing 10,750 square feet.
- Staff is reviewing a Minor Partition application to partition tax lot 3500 into two parcels with parcel 1 containing 6,599 square feet and parcel 2 containing 6,600 square feet with a concurrent adjustment to allow a 10% deviation from minimum lot size and width standards.
- The Parks and Recreation Master Plan Update Project Advisory Committee held its seventh meeting on November 7<sup>th</sup> and discussed the format of the Open House scheduled for December 5<sup>th</sup> at the Silverton Senior Center to be held from 6 p.m. to 8 p.m.

**City of Silverton  
Public Works Department**



## MEMO

**DATE:** November 30, 2023  
**FROM:** Travis Sperle, Public Works Director  
**TO:** Cory Misley, City Manager; City Council Members  
**RE:** **Public Works Department December 4, 2023, Council Meeting Update**

### ENGINEERING | ADMINISTRATION DIVISION

#### **Public Projects:**

- Silver Creek Intake | Supply Line (EDA Grant): Pumps have been installed. Waiting for electrical to be completed.
- **ASR Study: Water Resources Commission approved a \$250,000 grant for this study at their June 15-16 meeting. The agreement between the City and OWRD is with the City Manager.**
- WWTP Screw Press Project: Is moving forward.
- Civic Center: Project under construction and being reviewed by City Staff. Contractor working on new curb and sidewalk. Final paving is set for spring of 2024 for Water Streets.
- 2<sup>nd</sup> Street Reconstruction: Majority of underground utilities installed, road currently being excavated, and sub graded, curb and sidewalk install to commence.
- WWTP Blowers Project: Contractor has started work on instrumentation portion of project. Blowers are not expected to arrive until December.
- Silverton Overlay Project: Project is completed.
- WWTP UV Screen Project: bar screen at the WWTP upstream of the UV units is moving forward.
- Sewer CIPP Project: Project to slip line 4, Project to start in **December and January** .

#### **Programs:**

- Banner reservations calendar full for the entirety of December and January.

#### **Private Projects:**

##### **Residential (# of lots)**

- Pioneer Village Phase VI (**38**): PGE has completed streetlight installation.
- Westside Gateway (**30 PH 1, 34 PH 2**): Public Works Improvements are complete.
- Habitat for Humanity Development (**18**): Contractor has begun work on development. The site has been cleared and grubbed and rock base placed on road sections. A new plan for install of storm line approved to minimize residential and existing utility impact.
- Paradise Village Subdivision (**39**): Contractor has completed utility installation on interior streets. Sanitary sewer and storm sewer utilities on James Street started on 5/31/23. Sewer and Storm lines have passed all mandrel and vacuum testing. James Street paved and open, dry utilities being installed, prepping for final PW walkthrough.

- Pioneer Village Phase VII (**6**): Sewer system being installed. Rough grading of road completed. Sewer laterals installed, storm and waterline installation to commence.

#### **Commercial**

- Silverton Hospital Expansion: ROW work ongoing. New ADA ramp on east side of Fairview completed this month. Sidewalk and driveways along Phelps, Cherry, and Center streets completed this month. Old sewer laterals capped and abandoned, several more to be completed.
- 115 S James Street (**apartments**): Contractor has installed new storm pond on north side of building that accepts roof drains. New water services to building and apartments in the back completed so existing 3" line could be abandoned. Work includes ½ width improvements on James and new sidewalk on James and Silver Streets. New sidewalks and curbs completed. Road improvements on James and Silver completed.

### **MAINTENANCE DIVISION**

#### **Street**

- Monthly street sweeping.
- Responded to damaged street signs.
- Pothole patching
- Gravel road maintenance as weather allows.

#### **Sewer**

- Responded to customer sewer related calls.
- Worked with contractors on new sewer service installations.
- Service lateral replacements or repairs.
- CCTV Coolidge st sewer mainline.

#### **Water**

- Installed and changed out water meters for new construction and failed meters.
- Completed monthly water meter reading routes.
- Installed new water services for new construction.

#### **Facilities**

- Maintenance on buildings and grounds including equipment maintenance and vegetation management.
- Pre-planning for new Civic Center needs.

#### **Parks**

- Maintenance on buildings and grounds including mowing and vegetation management.
- Graffiti removal.
- Leaf removal
- Winterizing of park buildings, drinking fountains and sprinkler systems.

## **WATER QUALITY DIVISION**

### **Water Treatment Plant**

- General Cleanup at water treatment plant under way. Usage has been about the same
- Routine Quarterly Sampling
- Abiqua Creek around 11cfs Water Plant Flow around 3.5cfs
- New Emergency lighting installed on buildings and parking area.

### **Wastewater Treatment**

- Treatment plant flows averaging less than 1 MGD,
- Oregon Garden New VFD Project is a work in process. Waiting on a few crucial parts to complete project.
- Blower Project. Still waiting for the new blowers to arrive. Instruments have been installed and are working, programming into SCADA still needed at this time.
- UV Bar Screen Project is underway. Parts and equipment have been ordered.
- Screw Press Project is underway. Reviewing of Submittals, parts and equipment are ordered.
- DEQ Required Independent Study almost complete. Council Presentation of the report coming in December
- NO VIOLATIONS

### **Community Swimming Pool**

- Construction of the new Silver Creek raw water intake is underway.
- Pool Cover installed the week of Oct 16-20

## SILVERTON POLICE ACTIVITY REPORT

Oct-23

CALLS FOR SERVICE	Oct	YTD	ARRESTS	Oct	YTD	CITATIONS	Oct	YTD	
Arson	0	1	Arson	0	2	<b>Traffic Crimes</b>			
Assist Other Agency	19	227	Assault/Harassment	1	33	DUII	5	52	
Attempt to Locate	10	143	Burglary	3	7	DWS-Misd./Felony Level	5	23	
Auto Theft/Including Attempt	2	11	Drug	0	9	<b>Traffic Violations</b>			
Burglary	1	13	Forgery/Fraud/Counterfeit	2	5	All Other	124	1128	
Deaths/Natural	1	12	Juv-Curfew	0	0	<b>Warnings</b>	39	456	
Emotionally Disturbed Person	4	50	Runaway	1	1	<b>Violations</b>			
Disturbance	3	85	Kidnap	0	0	MIP Alcohol	0	3	
Family Disturbance	10	79	Furnishing Liquor	0	1	MIP Marijuana	0	2	
Fraud/Forgery/Counterfeit	5	41	Menacing	0	6	PCS Schedule I-IV	0	2	
Harassment/Assault	4	68	Murder/Criminal Death	0	0	<b>Civil Infractions</b>			
Ordinance Violations	33	342	Rape	0	2	Dogs-Noise/Leash/Vicious	1	5	
Prowler/Trespass	9	123	Robbery	0	0				
Public Assist	41	393	Sex Crimes/Other	1	7	<b>TOTAL CITATIONS ISSUED</b>	174	1673	
Rape	0	2	Stalking	0	0				
Robbery/Including Attempts	0	1	Theft	9	39				
Runaway	4	23	Trespassing	1	19				
School Resource	38	269	UUMV	0	1	<b>3 YEAR COMPARISON</b>	2021	2022	2023
Sex Crimes	1	14	Vandalism	3	19	Arson	1	0	1
Shots Fired	0	5	Violation of Court Orders	24	220	Auto Theft/Include Attempts	35	53	11
Stalking	0	1	Weapons Violations	1	14	Burglary	14	11	13
Suicide/ Including Attempts	2	32	Misc./Other Crimes	18	187	School Resource	101	204	269
Suspicious	57	669				Sex Crimes	15	19	14
Theft/Including Attempts	9	124				Rape	1	0	2
Weapons	0	0	<b>JUVENILE ARRESTS</b>	6	31	Robbery	0	1	1
Vandalism	10	67	<b>ADULT ARRESTS</b>	58	570	Vandalism	46	45	67
Misc./Other	462	3493	<b>TOTAL ARRESTS</b>	64	602				
						<b>CALLS FOR SERVICE</b>	4426	4456	6327
<b>TOTAL CALLS FOR SERVICE</b>	743	6327				<b>TOTAL ARRESTS</b>	393	446	602
						<b>TOTAL CITATIONS</b>	1129	2914	1673



## CITY OF SILVERTON POLICE DEPARTMENT

306 S. Water Street | Silverton, Oregon 97381  
Jim Anglemier, Chief of Police

**October**

### 2023 Monthly Statistics: Calls For Service Misc./Other Breakdown

911 Investigation	2
Alarm – Burglary	17
Area Check	144
Bar Tavern Check	10
Civil Situation	4
Crash – Hit and Run	5
Crash – Injury	4
Crash – Non Injury	8
DHS Referral	2
DUII	6
Elude	1
Emergency Message	1
Extra Patrol	10
Field Interview	20
Fireworks	1
Foot Patrol	5
Insecure Premise	23
Intoxicated Subject	2
MIP Tobacco	1
Missing – Child/Elder	1
Missing Person	3
Neglect – Child/Elder	1
Property – Lost/Found	15
Reckless Driving	3
Restraining Order Violation	1
Traffic Assist	4
Traffic Stop	136
Warrant Service	12
Welfare Check	20