

**CITY OF SILVERTON**  
**ORDINANCE**  
**19-13**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 2 ACRES OF LAND LOCATED AT 148 CAMBRIDGE AVENUE INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL AND APPROVING A PARTITION REQUEST TO DIVIDE THE SITE INTO FIVE PARCELS IN TWO PHASES. MARION COUNTY ASSESSOR'S MAP 061W35AD TAX LOT 00200.**

**WHEREAS,** the City of Silverton has been petitioned to annex 148 Cambridge Avenue into the City Limits of the City of Silverton, Oregon and zone the property R-1, Single Family Residential. Marion County Assessor's Map 061W35AD Tax Lot 00200.

**WHEREAS,** the area proposed for annexation is described as a tract of land situated in Section 35, T6S, R1W, W.M. Marion County Oregon and more particularly described as follows:

Beginning at a point 562.19 feet from the southeast corner of the James Brown Donation Land Claim.

- (1) Thence North 417.45';
- (2) Thence East 208.69';
- (3) Thence South 417.45'; and
- (4) Thence West 208.69' to the point of beginning.

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

**Section 1: Legislative Annexation.** In accordance with ORS 222.120:

- (1) The Silverton City Council cannot submit this proposal for annexation of territory to the electors of the city for their approval or rejection. A public hearing before the Council was held October 7, 2019, 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 February 5, 2020.

**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 2 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', 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 **R-1 (Single Family Residential)**.

Section 10: **Effective Date.** In accordance with ORS 222.180 the effective date of annexation shall be February 5, 2020.

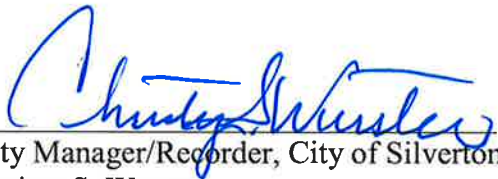
Ordinance adopted by the City Council of the City of Silverton, this 6<sup>th</sup> day of January, 2020.



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Mayor, City of Silverton  
Kyle Palmer

ATTEST:



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City Manager/Recorder, City of Silverton  
Christy S. Wurster

**EXHIBIT ‘A’**  
**AN-19-01**

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

1. The applicant submitted an application on May 15, 2019 to annex 148 Cambridge Avenue into the City Limits and zone the property R-1, Single Family Residential with a current partition application to divide the site into five parcels in two phases. The property is 89,215 square feet in area and is developed with a single family home. The partition would create five parcels with two parcels measuring 7,181 square feet in area, two parcels measuring 7,941 square feet in area, and one parcel measuring 55,520 square feet in area.
2. The site is currently developed with a single family home.
3. Notice was mailed to all property owners within 700 feet of the subject area on July 24, 2019. The notice was published in the Silverton Appeal on July 31, 2019. The site was posted on August 2, 2019.
4. The Planning Commission held a public hearing on August 13, 2019 to accept testimony and continued the public hearing to September 24, 2019 where they reviewed the application and voted to recommend the City Council approve the annexation and partitions.
5. The applicant submitted an application on May 15, 2019 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on July 24, 2019. The notice was published in the Silverton Appeal on July 31, 2019. The site was posted on August 2, 2019. The application was reviewed by the Planning Commission August 13, 2019 and was reviewed by the City Council September 9, 2019.
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, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city limits and the proposal conforms to all other requirements of the city’s ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation.
7. The site is located on southern side of Princeton Avenue. The existing dwelling takes access via Cambridge Avenue via a private driveway.
8. The parcel to be annexed is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. A single family dwelling currently exists on the site in conformance with the Comprehensive Plan (Comp Plan).
9. The Goal of the Urbanization Element of the Comprehensive Plan is to “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.” and has Objectives to: Maintain a supply of buildable residential, commercial and industrial

land within the City's UGB as allowed by state law; Continue to work with Marion County to manage land development between the city limits and UGB; and Consistently apply and enforce the City' development policies, codes, and standards.

10. The Goal of the Air, Water and Land Resources Quality seeks to "Maintain and improve the quality of the area's air, water, and land resources." The area proposed for annexation is developed with an existing single family home on a septic system. As such, this annexation and subsequent connection to the City's water and sewer system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.
11. A Goal of the Transportation Element is to "Provide a safe, convenient, aesthetic and economical transportation system." Any development of the site will be required to meet transportation, access and circulations, and roadway standards.
12. The Goal of the Housing element to "Meet the projected housing needs of citizens in the Silverton area." The Objectives of the Housing Element are to: Encourage a "small town" environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes.
13. The requested annexation will be consistent with the goals and policies of the Economy element of the Comprehensive Plan. This element largely speaks to encouraging the diversification of the local economy and the proposed annexation of a single family home will not have an impact upon this element.
14. With the public hearing held before the Planning Commission and City Council the requested annexation will satisfy the goal and policies of the Citizen Involvement element of the Comprehensive Plan. The purpose of the public hearing is to solicit and involve the public in the decision making process. The public hearing was published, posted, and notices were mailed in accordance with all requirements.
15. The Goal of the Public Facilities and Services Elements of the Comprehensive Plan is to "Provide orderly and efficient public facilities and services to adequately meet the needs of Silverton residents." The water system, storm water system, sewer system, and transportation network exist adjacent to the site.
16. Public utilities currently exist within the Princeton Avenue Right-of-Way. Public facilities are planned to be provided to serve the site.
17. There are no identified Master Plan projects identified to serve the site. The water system, storm water system, sewer system, and transportation network exist adjacent to the site. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve the homes. Princeton Avenue is a Local Street that is developed with 34' of pavement width and curbs. Sidewalks exist on the north side that were installed when each of the homes were constructed. Sidewalks would be required to be installed upon issuance of a permit to construct a single family home on the lots

fronting Princeton Avenue.

18. The area is contiguous to the City. The site abuts the City Limits along the northern, southern, and western property lines. The annexation represents a logical direction for city expansion. The area considered for annexation is inside the Urban Growth Boundary.
19. The use of the property will continue to be used as a single family dwelling, a permitted use. It is designated Single Family on the Comprehensive Plan Map and will be zoned R-1, Single Family Residential,
20. 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.
21. There are no wetlands on the site and the site is not located within the floodplain. The site is relatively flat. 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.
22. The annexation will add one single family home to the City Limits with the potential for four more single family dwellings. The overall impact of the annexation will be minimal given the small scale of the proposed development.
23. The most recent adopted Comprehensive Plan amendments have used a growth rate of 2% over the 20 year planning horizon. Given a 2% growth rate over the next 5 years with an average household size of 2.65 per the 2010 census, the 5 year supply of vacant and redevelopable land is 412 lots and the 8 year supply is 680 lots. The current amount of shovel ready lots in Silverton is 64 and the amount of redevelopable land amounts to 583 lots for a total supply of 647. The City is between the 5 year and 8 year supply which allows the City to consider additional factors when reviewing the annexation. There are a number of lots that have received planning approval and are in various stages of construction design that are included in the redevelopable number of 583. The amount of lots approved, but yet to be built is 267.
24. The property owner is requesting annexation to develop with residential uses. Public facilities already exist fronting the site. The annexation will allow a property that fronts existing City utilities to be annexed and developed in accordance with Silverton Development Code standards.
25. That the details of the case are maintained in Case File No. AN-19-01& PA-19-03 & PA-19-04 which is filed in the Planning Department in City Hall and is open for public inspection.
26. The partition application has been reviewed and approved subject to the below conditions of approval with the findings in Staff Report PA-19-03 & 19-04 being adopted and incorporated by reference.

## CONDITIONS OF APPROVAL

1. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and Public Works Design Standards into account
2. All applicable building permits shall be obtained prior to any work that requires a building permit.
3. Concurrent with final plat recordation, an easement shall be recorded for the parcels with access to the drive with each deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive.
4. Concurrent with final plat recordation, a joint maintenance agreement with each deed defining maintenance responsibilities of property owners of the parcels with access to the drive shall be recorded.
5. Any new dwellings will be required to pay a transportation SDC charge at the time when a building permit is issued.
6. Not more than three parcels may receive vehicle access from the flag “pole” portion of the flag lot partition.
7. The flag pole access must have a minimum width of 25 feet.
8. Significant vegetation within the parcels yard setbacks shall be retained. The Oak Tree along the property’s western property line adjacent to 166 Cambridge Avenue shall be retained and shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the planning official. The city may require chain-link or other protective fencing around significant vegetation and limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent damage to the resource and to prevent erosion, pollution, or landslide hazards.
9. Front yard landscaping meeting development code standards shall be provided for the new dwellings within 6 months of occupancy.
10. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for one year after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting, after which the adjacent property owners shall maintain the trees.
11. Two off-street parking spaces shall be provided for each dwelling.
12. The existing dwelling shall abandon the septic system and connect to the sanitary sewer system.
13. Each parcel will have to connect to the public mainlines. Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the partitioner shall provide a performance guarantee, in accordance with SDC 4.3.180.
14. Prior to the signing of the final plat, certification by the city or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the partitioner to the city that such services will be installed in accordance with Chapter 3.4 SDC, Public Facilities, and the bond requirements of SDC 4.3.180. The amount of the bond, contract or other assurance by the partitioner shall be determined by a registered professional engineer, subject to review and approval by the city.

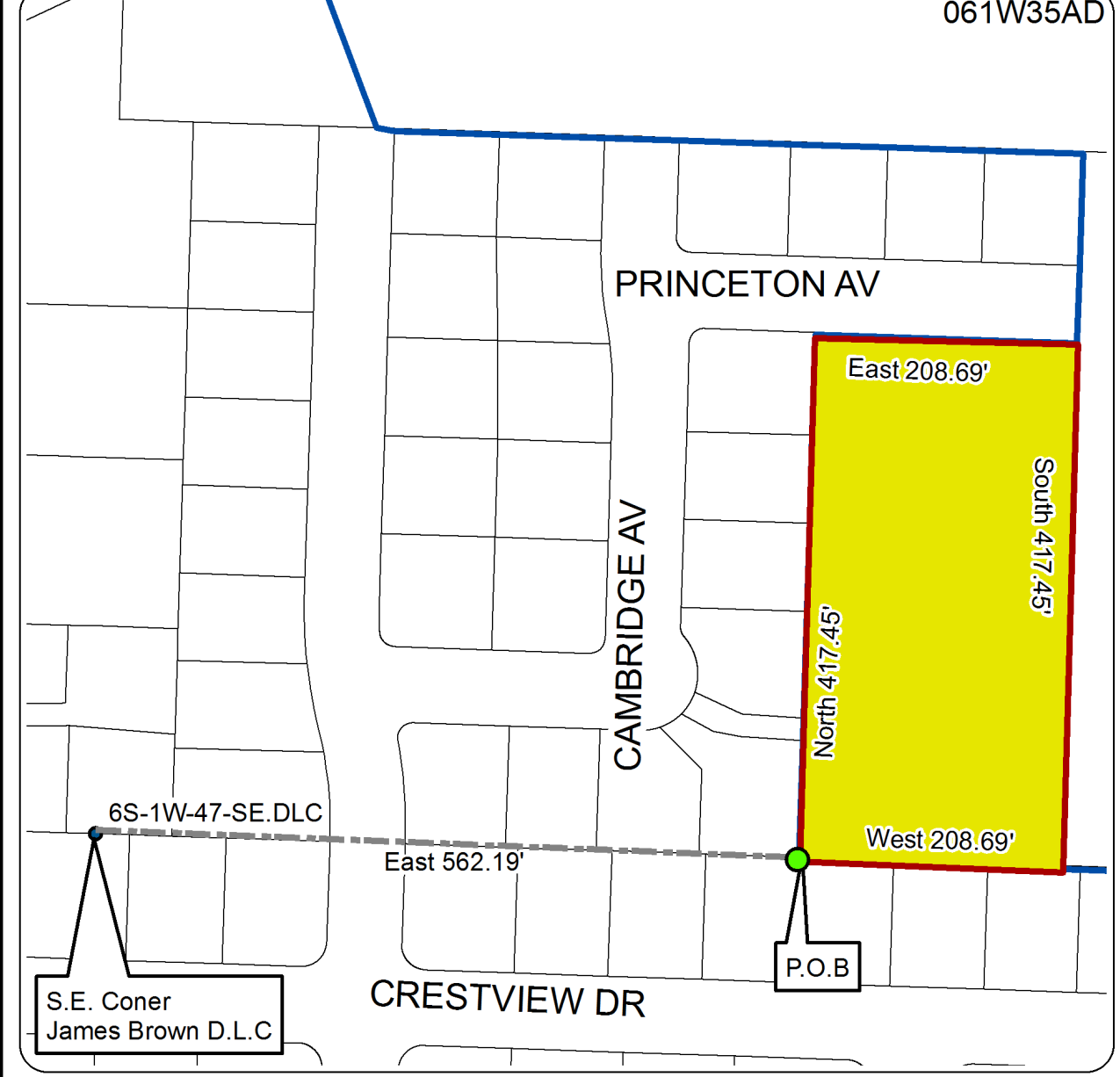
15. The developer is required to meet with the Public Works Director/City Engineer after land use approval and prior to preparing final design drawings of the proposed sewer and water connections and must show both facilities are capable of serving the proposed dwellings considering the length of the utility lines and the elevation difference between the building sites and the mainlines. All connections shall be constructed in accordance with City Public Works Design Standards.
16. Any new development will have to pay all applicable SDC fees during the building permit process.
17. Applicant shall install storm sewer laterals to all parcels or to an approved location. Grading activities shall not cause the diversion of water onto adjoin land that would not otherwise have flowed there.
18. Any new dwellings will be required to pay a stormwater SDC charge at the time when a building permit is issued.
19. Sidewalks will be constructed at the time of dwelling construction.
20. All utilities to the project shall be underground services. No overhead crossings of public right of way shall be approved by the city.
21. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements.
22. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.
23. The applicant shall dedicate a 10' wide public utility easement along all street right-of-ways.
24. The common driveway shall be constructed as a fire apparatus access turnaround, subject to Silverton Fire District approval. The turnaround shall be located in a temporary emergency access easement and shall be signed "No Parking" to ensure a 20' clear path.
25. Any new development will have to pay all applicable park SDC fees during the building permit process.
26. The City will review the final plat as a Type I procedure and will not grant approval unless all require conditions are met. The final plat shall be submitted within three years of the approval of the preliminary plat.
27. A performance guarantee in accordance with section 4.3.180 will be required prior to issuance of any Public Works permits.
28. An additional five foot setback shall be added to the yards adjacent to the private drive.
29. A Petition of Improvement/Waiver of Remonstrance shall be recorded concurrently with the Final Plat of each partition for the future dedication of Right-of-Way measuring 17.5' from the center line of the private drive for each parcel adjacent to the private drive.



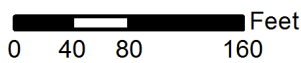
Exhibit 'B'

NW 1/4 NE 1/4 - SEC. 35 - T6S R1W WM, Marion County

061W35AD



Annexation Map  
148 Cambridge Avenue



Silverton City Limits



Property Lines



Subject Property