

CITY OF SILVERTON
ORDINANCE
19-17

AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 0.88 ACRES OF LAND LOCATED AT 207 DIVISION STREET INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 071W01CC TAX LOT 00800.

WHEREAS, the City of Silverton has been petitioned to annex 207 Division Street into the City Limits of the City of Silverton, Oregon and zone the property R-1, Single Family Residential. Marion County Assessor's Map 071W01CC Tax Lot 00800.

WHEREAS, the area proposed for annexation is described as a tract of land situated in Section 1, T7S, R1W, W.M. Marion County Oregon and more particularly described as follows:

Beginning at a point 335.71 feet North 20 30' East from the initial corner of the Keeton Subdivision MCSR S26-004.

- (1) Thence South 69 30' East 280.80';
- (2) Thence North 20 30' East 173.68';
- (3) Thence North 69 30' West 280.80'; and
- (4) Thence South 20 30' West 173.68' 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 November 4, 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 January 1, 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 0.88 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 **R-1 (Single Family Residential)**.


Section 10: **Effective Date.** In accordance with ORS 222.180 the effective date of annexation shall be January 1, 2020.

Ordinance adopted by the City Council of the City of Silverton, this 2nd day of December, 2019.



Mayor, City of Silverton
Kyle Palmer

ATTEST:



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

EXHIBIT 'A'
AN-19-03

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

1. The applicant submitted an application on July 26, 2019 to annex 207 Division Street into the City Limits and zone the property R-1, Single Family Residential. The total area of the annexation request is 0.88 acres. A manufactured home exists on the site that is proposed to be removed and replaced with a new single family home. The annexation request is to allow the replacement dwelling to connect to city sewer due to a failed septic system.
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 September 18, 2019. As of this writing, no written testimony has been received. The notice was published in the Silverton Appeal on September 25, 2019. The site was posted on September 27, 2019.
4. The Planning Commission reviewed the application at their October 8, 2019 meeting and recommended the Council approve the request.
5. The applicant submitted an application on July 26, 2019 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on September 18, 2019. The notice was published in the Silverton Appeal on September 25, 2019. The site was posted on September 27, 2019. The application was reviewed by the Planning Commission October 8, 2019 and the City Council on November 4, 2019. The record was held open for an additional seven days for additional written evidence or testimony. Additional written evidence was received in the form of an annexation agreement to have a five year restriction on development of the parcel.
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 Comprehensive Plan upon annexation.
7. The site is located opposite the Wagon Wheel Court and Pioneer Drive intersection and with frontage on Pioneer Drive and Division Street. Pioneer Drive is a collector roadway under Silverton jurisdiction. Division Street is a Non-County Road, which is any roadway constructed in a public right-of-way that has not been accepted by the Marion County Commissioners as a county road. This includes privately constructed roads, abandoned roads, etc. Maintenance of these roads is the responsibility of the local property owners.

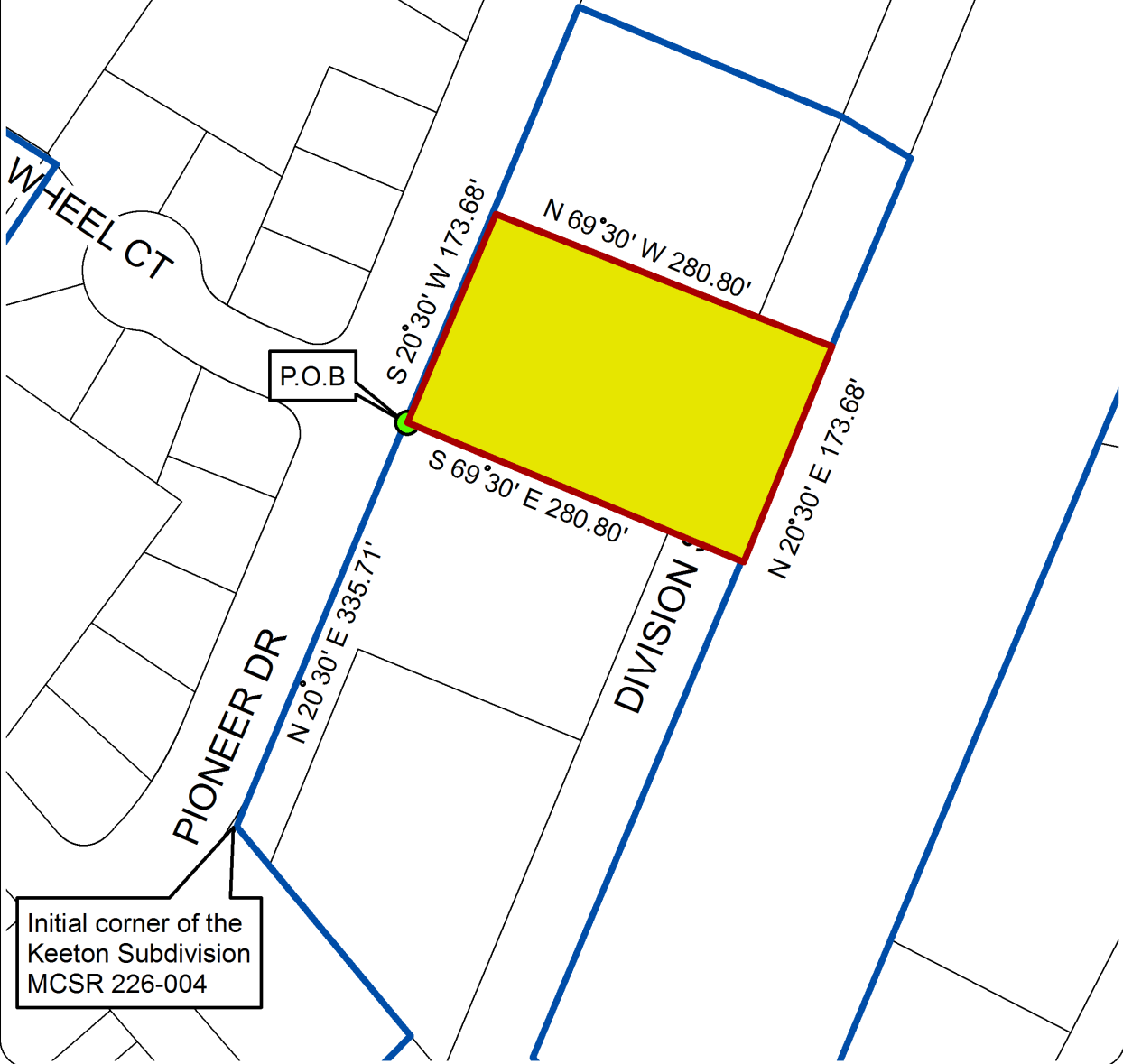
8. The parcel to be annexed is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. A single family dwelling currently exists on the site in conformance with the Comprehensive Plan (Comp Plan).
9. The Goal of the Urbanization Element of 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 Pioneer Drive 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 home.
18. The area is contiguous to the City. The site abuts the City Limits along the eastern 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 five year supply of vacant and redevelopable land is 412 lots and the eight 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 five year and eight 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 connect to City services. 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-19-03 which is filed in the Planning Department in City Hall and is open for public inspection.

Exhibit 'B'

SW 1/4 SW 1/4 - SEC.-1-T7S R1W WM, Marion County

071W01CC



Annexation Map 207 Division Street

0 40 80 160 Feet



Silverton City Limits



Property Lines



Subject Property