

CITY OF SILVERTON
ORDINANCE
19-10

AN ORDINANCE OF THE SILVERTON CITY COUNCIL DENYING AN ANNEXATION APPLICATION REQUEST TO ANNEX 5005 EAST VIEW LANE INTO THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 071W02A, TAX LOT 01600.

WHEREAS, an annexation application, File No. AN-17-01 (the "Application") was made by Thomas and Deanna Moore, PO Box 1287, Silverton OR 97381; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on July 9, 2019 to consider the application, applicable criteria, and evidence and testimony received into the record; and

WHEREAS, the Planning Commission conducted a hearing pursuant to Silverton Development Code ("SDC") Section 4.10.190 to evaluate the Application and make a recommendation to the City Council regarding how the proposal does or does not comply with the review criteria as provided under SDC 4.1.140; and


WHEREAS, after review of the Application, as well as testimony and evidence received into the record, the Planning Commission found that the Application does not meet the annexation criteria set forth in SDC 4.10.140; and

WHEREAS, after proper legal notice, a Public Hearing before the City Council was held on August 5, 2019 to consider AN-17-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it, including the recommendation of the Planning Commission.

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

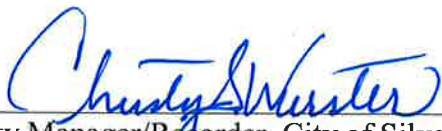
- Section 1:** The City Council finds that the annexation request does not meet the applicable review criteria and therefore the annexation application request to annex 5005 East View Lane into the city limits and zone the property R-1, Single Family Residential is denied.
- Section 2:** In support of its decision, the City Council adopts the findings contained in the Staff Report for AN-17-01 to the City Council, attached hereto as "Exhibit A".
- Section 3:** A full copy of the staff report and findings of fact can be found in file AN-17-01, located in the Community Development Department at City Hall.
- Section 4:** This ordinance is and shall be effective within 30 days its passage.

Ordinance adopted by the City Council of the City of Silverton, this 5th day of August, 2019.



Mayor, City of Silverton
Kyle Palmer

ATTEST:



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

"Exhibit A"



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

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-17-01

LAND USE DISTRICT:
UT-5, URBAN TRANSITION – 5 ACRE

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 071W02A
LOTS #: 01600
SITE SIZE: 17.41 ACRES
ADDRESS: 5005 EAST VIEW LANE

PROPOSED DEVELOPMENT ACTION: ANNEXATION APPLICATION TO ANNEX 5005 EAST VIEW LANE INTO THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS 17.41 ACRES IN AREA AND CONTAINS A SINGLE FAMILY HOME.

DATE: JULY 25, 2019

APPLICANT:
THOMAS AND DEANNA MOORE
PO BOX 1287
SILVERTON OR 97381

PROPERTY OWNER:
THOMAS AND DEANNA MOORE
PO BOX 1287
SILVERTON OR 97381

LOCATION: LOCATED AT THE SOUTH TERMINUSES OF EAST VIEW LANE, TILLICUM DRIVE, YAPA STREET, AND SHELOKUM DRIVE AT 5005 EAST VIEW LANE

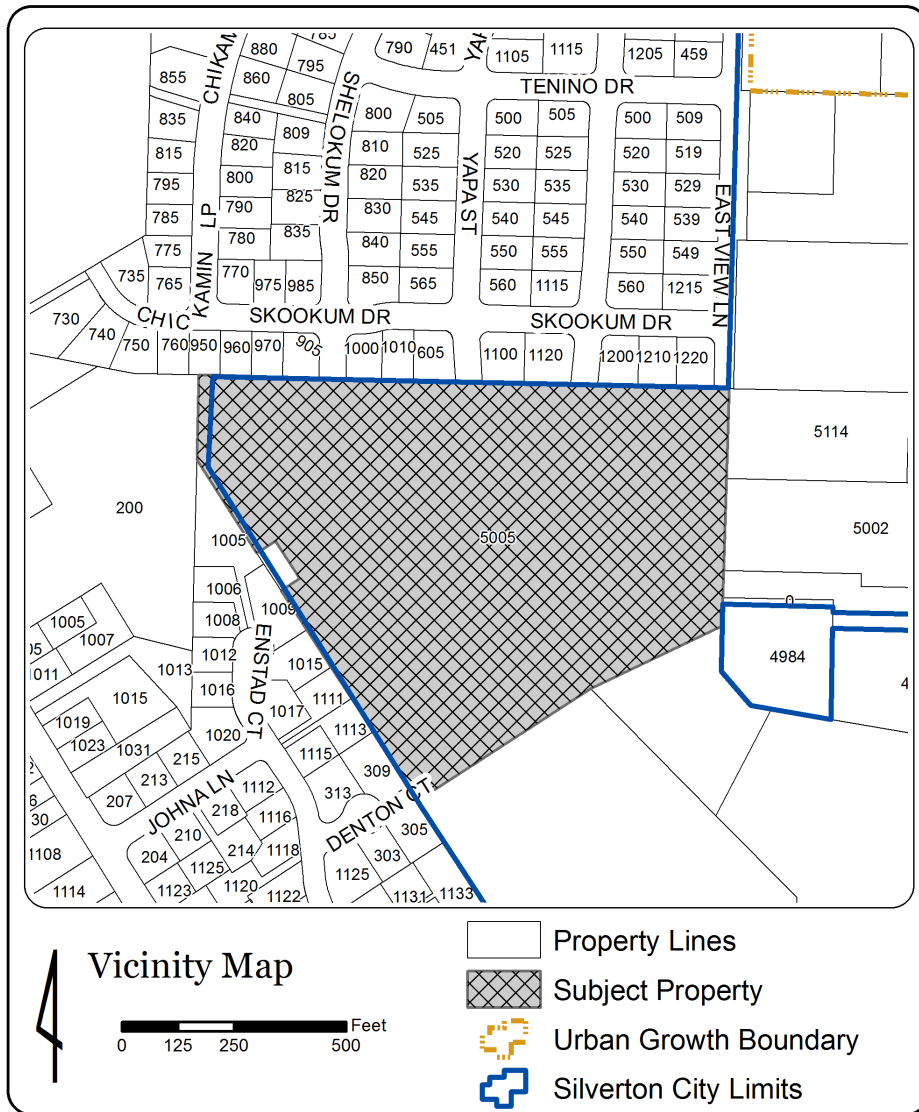
- Attachments
- A. Vicinity Map and Review Criteria
 - B. Applicant’s Findings
 - C. Conditions of Approval
 - D. Staff Report
 - E. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-17-01

Vicinity Map and Surrounding Land Use Districts

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



REVIEW CRITERIA:

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:

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

14. Promotes the timely, orderly and economic provision of public facilities and services; and
15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

ATTACHMENT B: APPLICANT'S FINDINGS

Applicants' Statement (Narrative)

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 territory is within the UGB, is contiguous to the city limits and would be subject to the comprehensive plan upon annexation. This Statement will demonstrate the conformity of the Applicants' proposal with the City of Silverton's land development ordinances applicable to a Major Annexation (annexation exceeding two acres).

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*

The site is located adjacent to and south of Abiqua Heights subdivision at the terminus of East View Lane, Tillicum, Yapa and Shelokum Drives. Tillicum, Yapa and Shelokum Drives were stubbed to the site to provide future access. East View Lane borders the eastern boundary of the site and will provide additional access. The existing house has driveway access off East View Lane. The site is 17.88 acres in size and is proposed to be zoned R-1. Applicants' plan to develop the subject property with approximately 44 lots. Typically, developments of one or two-family dwellings where the number of dwellings units exceeds 30 shall be provided with at least two fire apparatus access roads. The subject property has four fire apparatus access roads which is more than adequate to serve the number of planned dwelling units. Applicants' proposal meets this criterion.

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

The subject property is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. The purpose of the annexation is for the site to develop as a Residential Subdivision. A conceptual site plan has been submitted to illustrate what development may occur on the site, but Applicants are aware that a separate review would be required for approval of the site plan.

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." Its Objectives are to (a) Maintain a supply of buildable residential, commercial and industrial land within the City's UGB as allowed by state law; (b) Continue to work with Marion County to

manage land development between the city limits and UGB; and (c) Consistently apply and enforce the City' development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.

The City's 20-year population projection for a 2035 population is 15,532, as adopted in the City's Water Master Plan and Storm Water Master Plan. Based on a 2015 population of 9,590, an average growth rate of 2.44% would reach a population of 15,532 by 2035. A recent buildable lots inventory compiled by staff indicates 90 existing buildable lots and 48 lots currently in process of being created. There are 21 lots that are large enough in size to be subdivided. These lots account for 153 acres of land. It is estimated this represents an additional 470 lots within the existing City Limits. There are approximately 608 potential lots within the existing City Limits, as shown in the following map.

To accommodate a 2.44% growth rate, approximately 90 homes would have to be constructed each year, though this would increase over time. The existing lot supply within the City Limits represents a 6-3/4-year supply of residential lots. The subdivision process, from the time of an application submittal, to constructing the roads and utilities, to finalizing the Final Plat, varies from project to project, but averages about 2.5 years. The City has adequate land within the existing City Limits to meet anticipated future demand without the need to annex additional land for approximately 3-4 years. However, just having developable land within the City Limits does not guarantee that it will develop in a timely manner to meet housing demand. Providing adequate land to meet anticipated future demands for urban development in a logical and orderly manner can be interpreted to mean only adding land to the City Limits when it is necessary for the land to develop to meet the 20 year population projection based on the annual growth rate and that adding land too quickly is not logical or orderly due to speeding up the timeline for capital projects necessary to serve future populations and reaching the 20 year population number at a faster growth rate than planned for.

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. Any further development of the site would require the removal of the septic system and connection to the City's sanitary sewer facilities. As such, this annexation and subsequent connection to the City's water system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

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

The Goal of the Housing element to "Meet the projected housing needs of citizens in the Silverton area." The Objectives of the Housing Element are to: Encourage a "small town" environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes. The proposed annexation is directly adjacent to existing public facilities and is not being used for agriculture. Encouraging a "small town" environment is an ambiguous statement that can be interpreted by the Planning Commission and City Council.

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

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

The Goal of the Public Facilities and Services Elements of the Comprehensive Plan is to "Provide orderly and efficient public facilities and services to adequately meet the needs of Silverton residents." The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site.

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

A water system, sanitary sewer system, storm water system and transportation network are stubbed to the subject property boundaries and thus exist adjacent to the site. Each of the utilities is the standard size for residential development. Development of the site will require that public facilities be extended into the site in accordance with Public Works Design Standards. Adequate public facilities exist to serve the site and no upgrades are necessary. The proposal satisfies this criterion.

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

See the discussion on the prior criterion which demonstrates that the proposal satisfies this criterion as well.

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

The subject property is contiguous to the City limits along its eastern side and is a orderly extension of the development that has occurred in Abiqua Heights subdivision. The annexation of the subject property represents a logical direction for city expansion. This criterion is satisfied.

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

The subject property is located inside the Urban Growth Boundary. The criterion is met.

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

The proposal calls for development of the subject property with a single-family dwellings. It is designated Single Family of the Comprehensive Plan Map and will be zoned R-1, Single Family Residential, thereby meeting this criterion.

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

Please see paragraph number 2 above which demonstrates that the proposed annexation conforms with the City's comprehensive plan.

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

ORS Chapter 222 provides for a means of annexation by election or by action of the governing body. Senate Bill (SB) 1573, passed by the 2016 Oregon Legislature exempting certain annexations from voter approval. Under SB 1573, annexations do not require voter approval when (1) all landowners within the annexation area consent; (2) the land is within the City's urban growth boundary and contiguous to the city limits and (3) the annexation conforms to all requirements of the City's ordinances. SB 1573 was challenged in Benton County by the City of Corvallis and others and in February 2017, Circuit Court Judge Matthew Donohue upheld SB 1573 stating that "because the Legislature provides the authority for annexation, it also may establish the annexation procedure a city must follow." Judge Donohue's decision has been appealed to the Oregon Court of Appeals and is pending argument at the time of submission of this application.

The City of Silverton passed Ordinance 16-01 amending its annexation procedures. The proposal is following the Type IV procedure, consistent with ORS 222 for annexation procedures as modified by Ordinance 16-01. If a decision is reached by the Court of Appeals upholding the constitutionality of SB 1573 per Benton County Circuit Court Judge Donohue's decision, this application would then be considered pursuant to SB 1573.

This application is 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*

There are no wetlands on the subject property and the subject property is not located within a floodplain. A section of the southwestern boundary of the subject property has slopes between 15-30% and will be subject to the Hillside Overlay District. Any future development will have to comply with the applicable Hillside Overlay District standards. Natural hazards of the site have been addressed in the proposal or will be addressed later under the applicable development provisions such as the Hillside Overlay District. 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*

The subject property is not identified or designated in the Comprehensive Plan as open space or as containing 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.

Annexation of the subject property will add additional developable land and approximately 41 luxury home sites to the City limits and the City's tax rolls. After development, this will add approximately 3,727,120 of assessed value, equating to annual taxes to the City of Silverton of \$13,530. The median household income in Silverton is \$53,929, representing an additional \$970,722 in household income within the City. This will create a population increase of 48 people. The development will increase the impact to the water, sewer, transportation, storm sewer and parks system. As such, System Development Charges will be applicable to each new dwelling. In total, a new house pays \$20,231 in SDC's for their impact on public facilities. 18 additional homes will equate to approximately \$364,158 in total SDC's. There is a Silver Falls School District excise tax on new homes in Silverton that is \$1 per square foot of living area, which will generate an additional \$32,400 for the school district.

Applicants have provided evidence to support findings that the proposed annexation meets all of the applicable Silverton Development Code criteria. The application meets or can meet the applicable City codes and requirements and should be approved.

**SUPPLEMENT TO REQUEST
AND CONSENT TO ANNEXATION
BY THOMAS A. AND DEANNA L. MOORE**

The purpose of this supplement is to respond to the additional issues identified in Section 4.10.140 of the Silverton Development Code.

J. The only natural hazard identified by the City on the subject property is the steep slopes which run along the property's westerly boundary. As the applicants conceptual plan shows, no development is planned in this area. In fact, it is the applicant's intention to donate this property to the City of Silverton as a green way with walking trails. These walking trails will have connectivity to public streets on the downhill (Westerly side) and on the Easterly side. This will also link the existing homes to downhill streets for pedestrians.

M. According to the planning staff's current vacant and re-developable land inventory, there is currently more than a 5 year supply of vacant and re-developable land in the City, but only 67 shovel ready lots. The City has less than a one year supply of vacant buildable lots available in the City. It typically takes at least two to three years to bring a subdivision online with buildable lots. As the situation now stands, although there are subdivisions which may come on line, the City could come close to running out of vacant buildable lots before the proposed subdivision by the applicants could come online and be available for construction.

As stated above, although the applicant has a logging permit to allow for removal of the trees along the Westerly portion of the property, the intent upon annexation and subdivision is to donate that property to the City of Silverton as a greenway, together with walking trails accessible from both above and below.

N. The subject property is surrounded on two sides by developed land. City services are readily available from the four public streets connecting to the property from the North.

O. Given that (1) the subject property is flanked on two sides by developed land already inside the City limits, (2) the apparent shortage of buildable vacant lots foreseen in the reasonably near future and (3) the opportunity for the City to preserve the aesthetic appeal and recreational opportunities of the subject property with the annexation and subdivision, this annexation is clearly reasonable and the public interest, both present and future will be best served by annexing the property.

Respectfully submitted,

DONALD M. KELLEY,
Attorney for Applicants

TICOR TITLE

200718839

Reel 2830 Page 471



After Recording Return To:
Thomas A. Moore
Deanna L. Moore
8080 Spur Highway
Kenai AK 99611

Send Tax Statements To:
Thomas A. Moore
Deanna L. Moore
8080 Spur Highway
Kenai AK 99611

Title Order No. 200718839
Escrow No. 200718839
Tax Account No. 7S 1W 2A 1600
R20819, 7S 1W 2A 1600 R20820

WARRANTY DEED
(ORS 93.850)

James P. Unger, who acquired title as James F. Unger and Elaine C. Unger, as tenants by the entirety, Grantor, conveys and warrants to Thomas A. Moore and Deanna L. Moore, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$1,232,000.00.

Dated this 21 day of June, 2007.

James P. Unger Elaine C. Unger

State of OR, County of Marion }ss.

This instrument was acknowledged before me on June 21, 2007 by James P. Unger and Elaine C. Unger.

[Signature]
Notary Public

My commission expires: 2-1-2010



EXHIBIT 'A'Legal Description:

Beginning at a point on the Section line between Section 2, Township 7 South range 1 West and Section 35, Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; said point being 19.61 chains West of the Northeast corner of said Section 2; thence South 8 chains; thence South 65° 30' West 5 chains to the most Northerly corner of a 12.86 acre tract of land conveyed to Elmer McClaine by deed recorded in Marion County Record of Deeds, in Volume 154, Page 472; thence South 55° 15' West 7.00 chains to the most Westerly corner of said McClaine Tract; thence North 35° West 13.58 chains along the Northeasterly line of a 10.00 acre tract conveyed to Peter Carl, by deed recorded in Volume 4, Page 200, Deed Records, for Marion County, Oregon, to the West line of the James Smith Donation Land Claim No. 54; thence North along said claim line 2.86 chains to a point on the Section line between Section 2, Township 7 South, Range 1 West and Section 35, Township 6 South, Range 1 West, said point being East 2.438 chains from the quarter section corner on said Section line; thence East along the line of said Section 17.962 chains to the place of beginning.

SAVE AND EXCEPT therefrom that certain tract conveyed by Parker H. Trigg et ux to Huston G. Porter and Katherine Porter, by deed recorded in Volume 339, Page 342, Deed Records, Marion County, Oregon.

Subject to:

Regulations, including levies, liens, assessments, rights of way and easements of Marion County Soil and Water District. (There are no unpaid levies, liens or assessments as of the date herein.)

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Portland General Electric
 For: Utilities
 Dated: June 19, 1978
 Recorded: June 28, 1978
 Reel: 129 Page: 1466
 in Marion County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: City of Silverton
 For: Water Line
 Dated: August 24, 1981
 Recorded: October 6, 1981
 Reel: 263 Page: 320
 in Marion County, Oregon.

Agreement for Easement, including the terms and provisions thereof,

Recorded: November 9, 1992
 Reel: 1004 Page: 187
 Records of Marion County, Oregon.

ATTACHMENT C: CONDITIONS OF APPROVAL

ATTACHMENT D: STAFF REPORT, AN-17-01

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on October 23, 2017 to annex 5005 East View Lane into the City Limits and zone the property R-1, Single Family Residential. The property is 17.41 acres in area and is developed with a single family home.
2. Notice was mailed to all property owners within 700 feet of the subject area on June 19, 2019. The notice was published in the Silverton Appeal on June 26, 2019. The site was posted on June 28, 2019.
3. The Planning Commission reviewed the application on July 9, 2019 and recommends the City Council deny the annexation request.

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 October 23, 2017 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on June 19, 2019. The notice was published in the Silverton Appeal on June 26, 2019. The site was posted on June 28, 2019. The application was before the Planning Commission July 9, 2019 and will be before the City Council August 5, 2019.

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.

This staff report will review the proposal for conformity with all other requirements of the city's ordinances.

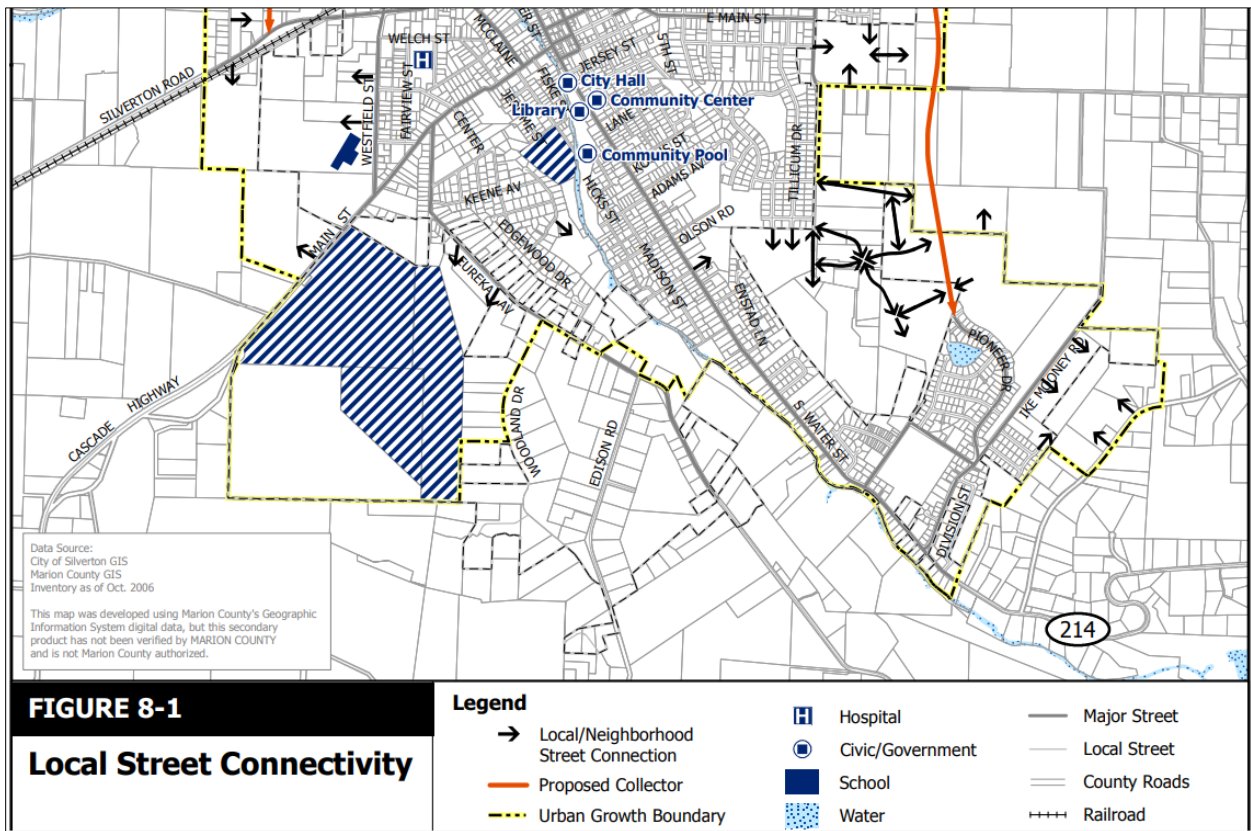
Section 4.10.140

Review Criteria – Annexation

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

1. Adequacy of access to the site; and

Findings: The site is located south of the Vista Ridge and Abiqua Heights Phase III subdivisions. As part of those developments, Shelokum Drive, Yapa Street, Tillucum Drive, and East View Lane were stubbed to the northerly property line of the subject property. The streets were stubbed to the south in order to provide adequate access to the subject property. The Transportation System Plan (TSP) Figure 8-1 indicates the stub streets extending south into the site for Local Street Connectivity.



The streets were developed as standard Local Streets with 34 feet of pavement width, which allows two way traffic and parking on both sides, with a planter strip and sidewalks. Local Streets have the sole function of providing access to immediate adjacent land. Local Streets are expected to handle about 1,500 Average Daily Trips. Traffic from the existing dwellings in the area primarily use Shelokum Drive, Tillicum Drive, and East View Lane to enter and exit the area. Traffic from the proposed annexation area is expected to follow a similar traffic pattern as the dwellings to the north. Testimony was received regarding the potential of traffic from the annexation utilizing the street network to the north for access. The reason the streets were stubbed to the south was to provide access to the subject property, as noted in the TSP. Criterion 1 is met.

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

Findings: The property proposed for annexation is within the Silverton Urban Growth Boundary (UGB) and is contiguous to the city limits on the north, west and south boundaries. The property is designated in the Silverton Comprehensive Plan as Single Family Residential and is zoned Marion County UT-5 (Urban Transition - 5 acre minimum). Upon annexation the property will have a zoning designation of R-1, Single Family Residential.

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.

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." Any future development would be required to connect to the City's sanitary sewer system and be prohibited from using an on-site septic system. This would ensure that the ground water supplies of the area remain pure, and eliminate the potential for failing septic system contamination from the site. At the time of future development the developer would also be required to show how the proposed development would handle its storm water drainage in an approved manner so as to not diminish land resources nor adversely impact water quality. Any development of the property would need to comply with state regulations affecting any discharge into the air. As such, the proposal would comply with the goal and objectives of this element of the Comprehensive Plan.

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 circulation, and roadway standards. Any development that creates more than 20 lots will have to submit a traffic impact analysis as part of the subdivision review. The local street network in the area is under Silverton jurisdiction.

The Goal of the Housing element is to "Meet the projected housing needs of citizens in the Silverton area." The Objectives of the Housing Element are to, Encourage a "small town" environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes.

The 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.

With the public hearing held before the Planning Commission and City Council the requested annexation will satisfy the goal and policies of the Citizen Involvement element of the Comprehensive Plan. The purpose of the public hearing is to solicit and involve the

public in the decision making process. The public hearing was published, posted, and notices were mailed in accordance with all requirements.

The goal of the Energy Element is to “conserve energy resources and encourage use of reusable energy resources.” The annexation of the subject property and the Single Family Residential zoning designation will allow for the eventual development of the property with residential uses. The objectives of this element seek to encourage energy conservation through transportation policies and weatherization of new residential structures. As part of the future development of the property, it would be a requirement that new construction comply with building code requirements which contain provisions for addressing energy conservation compliance. As such, the proposal complies with the Energy element of the Comprehensive Plan.

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, sanitary sewer system, storm water system, and transportation network exist adjacent to the site.

Approximately 100 percent of the subject property involved in this annexation application is identified on the Natural Hazards map in the Comprehensive Plan as containing slopes over 15%. However, approximately 10 to 15 percent of the site actually has areas of approximately 7 to 8% slope. The property slopes southwesterly from an elevation of 550 feet eastern boundary of the subject property to an elevation of 300 feet at the westerly boundary of the property with an average slope of approximately 26%. However, the property clearly has benches with approximately the first 300 feet adjacent to East View Lane being relatively flat and the next 300 feet more or less having an approximate slope of 16.7% and then the remaining 360 feet having a slope of 44.4%.

Development of the site will be subject to the City’s Hillside Overlay District, which increases the minimum lot size as the amount of slope increases, and precludes development and slopes in excess of 34% grade.

The applicant stated in the application that no development is planned in the steep slope area along the properties western boundary and that the applicant intends to donate this property to the City as a green way with walking trails. 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. Staff recommends any donation be formalized through a development agreement as part of the annexation application.

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: Any proposed development of the property would be required to be connected to an approved City facilities which are available adjacent to the subject property through the adjoining existing subdivisions.

The sanitary sewer lines located in the adjacent Abiqua Heights to the north and the Jensen Estates (via Denton Court or Enstad Court) and Silver Loop Addition subdivisions located to the west of the subject properties have been sized to adequately serve any proposed development of the property, though an engineering analysis and model will be required as part of the subdivision process.

At the time of development of the subject property, the property could be drained to the existing public storm system or the developer of the subdivision may be required to construct a separate storm drain line to Silver Creek if the capacity of the existing storm system is not adequate to serve the proposed development. The developer would be required to design a storm drainage system that minimizes the storm run-off impacts and provides storm detention meeting City Standards.

Testimony was received regarding the potential impact a future development may have on the detention basin located in the Abiqua Heights Common Area. The storm sewer stubs located at the southern terminuses of East View Lane and Yapa Street lead to the common area. The storm sewer stub at the southern terminus of Shelokum Drive traverses to Silver Creek via Olson Road. Storm Sewer stubs also exist in Denton Court and Enstad Court. Should the detention basin in the common area be at capacity, there exists three other viable means to connect to the City's storm sewer system that do not impact the basin.

Water service is currently adequate to a portion of the property which will be served directly from the high level gravity system, though an engineering analysis and model will be required as part of the subdivision process. This system must be extended from the water reservoir site located to the east of the subject property.

A large portion of the subject property is higher than the 520-foot elevation that can be served with 40 psi pressure from the high level gravity system. This will require that the developer of the subject property construct a booster pump station, at his expense, in order to serve any floors above the 520-foot elevation at the highest fixture level in a 2 story-house (40 psi) and not at the location of the meter. With previous expansions to both the City's Water Treatment Plant and the City's sanitary sewer facilities the City is able to provide adequate service of both these facilities. A previous study by the City has determined that the City has capacity in its water treatment system to serve a population of 12,000. Solid waste disposal is provided by a private company.'

The City of Silverton Police Department would provide police protection services to the property after it is annexed. Silverton Fire District would continue to provide fire and public safety services to the property after it is developed. Future development of the property will need to comply with Oregon Fire Code regarding access and water supply.

The Fire District has concerns about the southwest side of the property with existing homes below the uphill slope and the influence it can have with rapid fire spread and greater potential risks in a wildfire situation. The Fire District would like to develop strategies to

create defensible spaces to help minimize the risks where these areas exist. Public facilities are planned to be provided to serve the site; thereby meeting Criterion 3.

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

Findings: The applicant submitted a preliminary site plan to show how the property may develop in the future. An internal street network that would consist of the extension of the streets stubbed to the site would include necessary sidewalks, sanitary sewer pipe, waterlines, and storm drain lines. The developer would have to submit engineered plans showing how the development meets the Public Works Design Standards. Engineering studies that detail the developments impact of the transportation system, water system, and storm water system would be reviewed prior to development. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve the any development. Therefore Criterion 4 is met.

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

Findings: The area is contiguous to the City. The site abuts the City Limits along the northern, southern, and western property lines. The local street network is stubbed to the site. Public utilities are stubbed to 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. The criterion is met.

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

Findings: The use of the property will continue to be single family. Any development of the site will be reviewed for compliance with the R-1 zoning district. It is designated Single Family of the Comprehensive Plan Map and will be zoned R-1, Single Family Residential, thereby meeting Criterion 7.

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

Findings: The 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.” The element projects an average annual growth rate of about 1.9%. 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. Based on substantial evidence in the record, the Planning Commission finds that the current amount of shovel ready lots in Silverton is 66 and the amount of redevelopable land amounts to 583 lots for a total supply of 649. The City is

between the 5 year and 8 year supply of needed lots, given the projected amount of needed lots per the City Comprehensive Plan.

The goal is to meet the anticipated future demand for urban development, emphasis added, not to exceed the demand or to add as much land to the City Limits as quickly as possible. Providing adequate land to meet anticipated future demands for urban development in a logical and orderly manner is interpreted to mean only adding land to the City Limits when necessary for the land to develop to meet the 20 year population projection based on the annual growth rate. The Commission finds that adding land too quickly is not logical or orderly in that it speeds up the timeline for capital projects necessary to serve lands annexed, including lands annexed that exceed anticipated future demand and are unnecessary to meet such anticipated future demand for urban development.

The goal of the Housing element of the Comprehensive Plan is to “Meet the projected housing needs of citizens in the Silverton area.”

The element projects an average annual growth rate of about 1.9%. 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 66 and the amount of redevelopable land amounts to 583 lots for a total supply of 649. The City is between the 5 year and 8 year supply of needed lots given the projected amount of needed lots per the City Comprehensive Plan.

The goal is to meet the projected housing needs of the citizens in the Silverton area, emphasis added, not to exceed the need or to add as much housing to the City Limits as quickly as possible. Once the City meets its obligation for projected housing needs, the goal has been met. Meeting the projected housing needs is interpreted to mean only adding land to the City Limits when it is necessary for the land to develop to meet the 20 year population projection based on the annual growth rate and that adding housing too quickly is not logical or orderly because it speeds up the timeline for capital projects necessary to serve the new housing, and the related necessary planning and financing for such capital projects. In addition, exceeding housing need would ultimately lead to development at a rate that exceeds the actual housing needs of the citizens of the Silverton area.

Based on the above findings, the criterion is not met.

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: Approximately 100 percent of the subject property involved in this annexation application is identified on the Natural Hazards map in the Comprehensive Plan as containing slopes over 15%. However, approximately 10 to 15 percent of the site actually has areas of approximately 7 to 8% slope. The property slopes southwesterly from an elevation of 550 feet eastern boundary of the subject property to an elevation of 300 feet at the westerly boundary of the property with an average slope of approximately 26%. However, the property clearly has benches with approximately the first 300 feet adjacent to East View Lane being relatively flat and the next 300 feet more or less having an approximate slope of 16.7% and then the remaining 360 feet having a slope of 44.4%.

Development of the site will be subject to the City's Hillside Overlay District, which increases the minimum lot size as the amount of slope increases and precludes development and slopes in excess of 34% grade. The applicant stated in the application that no development is planned in the steep slope area along the properties western boundary and that the applicant intends to donate this property to the City as a green way with walking trails. 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. Staff recommends this donation be formalized through a development agreement as part of the annexation application.. Natural hazards of the site have been addressed. The criterion is met.

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

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

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

Findings: The annexation will add additional developable land to the City Limits. This may add approximately 34 more homes to the tax rolls. After development, this will add approximately 7,140,000 of assessed value, equating to annual taxes to the City of Silverton of \$25,704. The median household income in Silverton is \$60,603, representing an additional \$2,060,502 in household income within the City. This will create a population increase of 90 people. The development will increase the impact to the water, sewer, transportation, storm sewer and parks system. As such, System Development Charges will be applicable to each new dwelling. In total, a new house pays \$20,818 in SDC's for their impact on public facilities. 34 additional homes will equate to approximately \$707,812 in total SDC's. There is a Silver Falls School District excise tax on new homes in Silverton that is \$1 per square foot of living area, which will generate an additional \$68,000 for the school district.

The Planning Commission found that the annexation would have an adverse impact on the economic environment of the community as a whole. The most recent adopted Comprehensive Plan amendments have used a growth rate of 1.9% 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 66 and the amount of redevelopable land amounts to 583 lots for a total supply of 649. The City is between the 5 year and 8 year supply of needed lots given the projected amount of needed lots per the City Comprehensive Plan.

The City's adopted master plans project what projects are needed and when based on the predicted 2% growth rate. Since there exists a near 8 year supply of lots within the existing City Limits at that growth rate, the annexation of lands unnecessary to meet anticipated needs at this point in time would have the adverse effect of unnecessarily altering the assumptions made in the City's master planning process by not developing the land already inside the City Limits, already anticipated to develop, in a logical and orderly fashion. For instance, if all the land in the UGB requests annexation and urban services all at the same time, the 20 year planning horizon would be reduced to a 1 year horizon which would have an adverse effect on the economic environment as there would not have been the anticipated timeline to construct the needed public facility improvements that are planned on a 20 year time schedule. Using that logic, it is determined and interpreted that anything less than a 5 year supply of lots within the City Limits is an acceptable time to add land to City to accommodate the planned growth. It is also interpreted that when there is a 5 to 8 year supply that the time may be appropriate to add additional lots based on other factors. However, the Planning Commission finds that given the amount of available developable land within the existing City Limits, the economic environment of the City would be adversely effected by the annexation at this point in time. When additional lots and lands are developed in the existing City Limits, adding additional land would then not have an adverse effect on the economic environment of the community.

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.

The annexation will have an adverse impact on the social environment of the community as a whole. The social environment of the City is interpreted in part through the Silverton Vision Statement that indicates, we envision a Silverton with a strong economy and viable, locally owned businesses, carefully balancing economic growth with our continued small-town livability, quality of life and affordability. Our Silverton is guided by a comprehensive plan for our future growth, with strong leadership, meaningful public involvement, informed decisions, and agreement on our community's key directions. Adding more land to the City Limits when there is adequate land available for development for the next 5 to 8 years would have an adverse impact to the social environment of the City due by facilitating fast growth, as explained above, to a level and at a rate beyond that which is necessary to meet demonstrated needs, than that planned in the comprehensive plan. Doing so would erode small-town livability. Small-town livability is interpreted to

mean adhering to actual needs, as adopted and periodically refined in the comprehensive plan and facility master plans.

Based on the above findings, the criterion is not 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 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 66 and the amount of redevelopable land amounts to 583 lots for a total supply of 649. 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 257. This review criterion authorizes the Planning Commission, when there is more than a five-year supply but less than an eight-year supply, to consider additional factors "such as the likelihood of vacant parcels being developed in the near future" to determine whether "the public good would be served by the annexation."

The Planning Commissions finds that the review criterion is not met, as there is in excess of a 5 year supply of land within the City Limits. The Planning Commission reviewed additional factors such as the likelihood of vacant parcels being developed in the near future and determined, based on record evidence, that the public good would not be served by the annexation as there is other undeveloped land within the City Limits that should be developed first, prior to adding more land into the City. Because of the existence of such undeveloped land already in the City, the Planning Commission finds that the annexation of additional land at this time would disregard the requirement to provide land for development "in a logical and orderly manner."

Based on the above findings, the criterion is not met.

14. Promotes the timely, orderly and economic provision of public facilities and services; and

Findings: Public facilities exist adjacent to the site. Water service is currently adequate to a portion of the property which will be served directly from the high level gravity system, though an engineering analysis and model will be required as part of the subdivision process. This system must be extended from the water reservoir site located to the east of the subject property.

A large portion of the subject property is higher than the 520-foot elevation that can be served with 40 psi pressure from the high level gravity system. This will require that the developer of the subject property construct a booster pump station, at his expense, in order to serve any floors above the 520-foot elevation at the highest fixture level in a 2 story-house (40 psi) and not at the location of the meter.

The Planning Commission does not find the proposed annexation to be timely due to the amount of redevelopable land within the existing City Limits boundary that should be developed prior to adding more land to the City Limits. For the same reason, the Planning Commission finds that annexation would not be orderly, because it would potentially contribute to prolonging the delay of development of already-annexed, undeveloped areas. The Planning Commissions finds that vacant developable land within the City needs to be developed to urban densities prior to adding more vacant developable land for the timely, orderly and economic extension of and provision of public facilities and service to those areas currently outside the City.

Based on the above findings, the criterion is not met.

15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

Findings: The Planning Commission does not find that the present or future public interest will be best served by annexing the property. The Planning Commission interprets the public interest to include encouraging a small town environment, as noted in the Housing element of the Comprehensive Plan, and that adding more land to the City Limits at this point in time when there is over a five year supply of developable land already inside the City Limits would not encourage a small town environment. Doing so could inadvertently promote faster growth than anticipated or that would otherwise naturally occur. Further, the Planning Commission finds that the annexation would not serve the present or future public interest because it would not adhere to the requirement that areas be made available “in a logical and orderly manner.” As discussed above, the Planning Commission concludes that annexing lands to the point where need is clearly exceeded, as is the case in this proposal, does not amount to the provision of developable land in a logical and orderly manner.

Based on the above findings, the criterion is not met.

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed annexation does not 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 deny 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.

The Planning Commission finds the application does not 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 E: TESTIMONY

June 26, 2019

Silverton City Council

Silverton Planning Commission

RE: Notice of Possible Annexation of property at 5005 East View Lane, Silverton, Oregon 97381

We object to the annexation unless the following consideration is addressed:

Criteria D. There is a current lack of adequate water supply and pressure in existing homes in our area. This area is one of the highest in the city. Some neighbors have a water pressure of 22 PSI, way below acceptable standards. We have had to purchase and pay electricity for a pump to gain adequate water pressure as do several of our immediate neighbors. Twelve years ago we were told that the city would add a pumping station in Pioneer Village to alleviate this issue. You keep expanding and adding new homes that require additional water resources yet you have failed for more than twelve years to upgrade and add additional water resources to solve this problem. New homes just add an additional drain on existing resources. More rural homes are experiencing well failures and will also want to be annexed for city water (You recently approved one on 4984 East View for this reason.). Stop the expansions until you fix the current water resource infrastructure.

We urge you to deny this annexation before fixing the water infrastructure problems.

David and Bette Stewart

560 Tillicum Dr.

Sent from my iPhone

Begin forwarded message:

From: Robyn Bringans <rj.bringans@gmail.com>

Date: June 30, 2019 at 9:46:41 PM PDT

To: Abiqua Heights Homeowners Association <Board@abiquaheights.com>

Subject: Projected Annexation

To whom it may concern:

I would like to express my concerns regarding the proposed annexation/zoning change of the 17+ acres owned by Mr Thomas Moore that is adjacent to the Abiqua Heights Community.

I purchased my property 4 years ago in Abiqua Heights; I pay annual HOA dues and am lucky enough to be facing the pond in the "Commons", as the 6 acre private park is known. My concerns as such are:

Last year, there was publicity given to another plan to expand a residential area in Silverton, the reason being that the present utility infrastructure was deemed woefully inadequate to allow further large scale development. Did the infrastructure undergo major improvements, or did the developer manage to convince the City that one more development would not further stress our utilities, schools, and commercial/retail capacity?

In the public statement made regarding the Eastview development, mention was made of "natural hazards" like steep slopes which would be taken into consideration. I live at the bottom of Shelokum Drive and I know from experience that Shelokum Drive, like Tillicum Drive, is often overwhelmed with runoff during winter storms. This runoff, I know, would be impacted by more drains, gutters, and natural downhill flow if 40 more homes are built at the top of the hill.

Since moving here in 2015, I have come to appreciate how much time and effort it takes by the Abiqua Heights Board to maintain the Commons, particularly the pond..... I believe the City owns the pond itself, and benefits from the water that runs out of the pond, down an easement on MY property, into the Silver Creek. Larger pipes were installed last year in order to accommodate maximum runoff from the PRESENT community, and after a very wet winter and Spring, I have seen the water level in the pond rise significantly (even after the AHHA had the pond dredged) and the new drainage pipes were only just able to cope. I can't imagine the impact of runoff from 40 more homes filling the pond to even greater levels. This would result in flooding of the Commons, and the 5 homes nearest the pond would almost certainly be in harms way. It is imperative that the City look into the impact of rising water levels in the Commons.....without a doubt this would happen.

Now that the lots in Abiqua Heights are almost completely developed, it is quite noticeable that the increased traffic has had considerable impact on the neighborhood. There are only 2 entry and exit points (Tillicum Drive, and Eastview Lane); it is unfair to expect that the residents on Yapa Drive, Shelokum Drive and Tillicum Drive be subjected to possibly 80 more cars going in and out of the new development and using the already limited access to Abiqua Heights.

The above concerns may seem trivial to the City Council, and I am sure the concerns have even less impact on the planners and developers of the annexation....it seems to me The City of Silverton has become a money grabbing enterprise (are our high property taxes not enough

already?) with its sights set on filling every available space to maximum capacity, and as a result, a complete disregard for the present neighborhoods which have worked tirelessly to enhance the community of Silverton.

I sincerely hope the Council does it's due diligence in researching the impact on Abiqua Heights of this annexation.....living in this neighborhood is about quality of life, not the stress of overcrowding.

Thank you,
Robyn Bringans

July 30, 2019

June 29, 2019

City of Silverton
306 South Water Street
Silverton, OR 97381

Re: File No.: AN-17-01
Proposed annexation of 5005 East View Lane into the Silverton City Limits

We are property owners located on the south-eastern edge of the property being proposed for annexation into the City of Silverton. We are writing this letter in response to the Notice of Public Hearing, dated June 19, 2019, regarding this proposal.

We oppose the proposed annexation due to concerns about the stability of the land, storm water and waste water run-off from the steep nature of the hillside involved, and potential impact on the surrounding area located adjacent to the hillside. The majority of the property within the proposed annexation is located on steep slopes, which currently has trees and other vegetation such that we have not noticed slides or flooding storm run-off.

If future development were approved, with additional housing units and subsequent streets and related infrastructure to be installed, we question the safety of property below the impacted property. The removal of trees and vegetation that would occur with development could increase the potential for damaging slides during heavy rains.

We live near the bottom of the hill very close to the property under consideration. We have owned our home for 8 years. During that time, we have observed that the property owners next to us (above us, toward the hill) have a drain that has runoff most of the year, which evidently drains off the hillside. We have observed another area along Enstad Lane where water runs from the hillside most of the year. Those 2 drains are within a very short distance, and both appear to be directly related to the hillside. Both properties where the drains are located either abut, or border, the property being considered for annexation.

We have experienced sinkholes in the ground in our yard that we believe are related to water running off the hillside. We fear that development would only further complications due to water runoff.

Please place this letter in the file going before the Planning Commission and/or the City Council as opposed to the proposed annexation.

Thank you,

Fred and Carol Douthit
303 Denton Ct.
Silverton, OR 97381

July 1, 2019

From: Abiqua Heights Homeowners Association (AHHA)
AHHA Board

To: City of Silverton Planning Commission
Reference File No.: AN-17-01

The AHHA Board received notice on June 23, 2019 through one of our members of a Public Hearing in reference to annexation of the property at 5005 East View Lane. We feel that this is too short of a time span between receiving the notice and the time members need to reply as it gives us too little time to notify our members and for them to write a response. The AHHA Board also believes we should have been notified by the Planning Commission of this annexation as it will affect our entire Neighborhood due to its proposed design.

The Abiqua Heights community is concerned that the infrastructure that is in place is not adequate to handle this development. The storm drain system located in AHHA Neighborhood already has problems. Chee Chee Court and Tillicum have had major flooding problems in the past. In 2016, after years of interaction, the Abiqua Heights Board of Directors worked with the City of Silverton to re-engineer some of the pipes in the detention pond located in Abiqua Heights to alleviate the flooding issue. Those involved at the City (Paul Eckley and John Cramer) recognized that this was a band aid fix on a significant problem. The storm drain system was supposed to be designed for a 50 year event, it was not. The addition of 17 acres of storm water runoff could be devastating to homes in Abiqua Heights.

In addition, many residents on Skookum and Tillicum experience low water pressure to the point where some residents have installed pumps to maintain water pressure. The problem can only get worse if the proposed annexation is developed as designed.

If not already done, the AHHA Board ask that the problems of flooding and water pressure be fixed before new development occurs.

There are 155 Lots in the Abiqua Heights neighborhood and approximately 34 lots in the Vista Ridge Neighborhood. The proposed subject property streets are set to connect to the Abiqua Heights neighborhood via Tillicum, Yapa, and Shelokum. The AHHA Board is concerned about adding more traffic and noise into our neighborhood via these streets. Also, Tillicum, Yapa, and Shelokum are main intersections with Tenino and Skookum that are crossroads carrying Abiqua Heights and Vista Ridge traffic exiting and entering our own neighborhood. We are concerned about the many adults and children who cross all of the streets daily to get to our neighborhood commons area. Based on the projected site plan; adding the heavy condensed traffic generated from the new development to these high use main intersections has the potential to negatively impact the safety of these intersections.

The AHHA Board would like to see the subject property use East View by redesigning the plan to route traffic towards East View as it is the only street that connects to a connector street, Steelhammer. This balance of traffic flow will help maintain the home values, social, and physical environment of Abiqua Heights. We do understand that a separate review is required for the site plan but we are greatly concerned with the conceptual site plan that was submitted.

It does not appear to us that the proposed development conforms to the City's Comprehensive Plan requirement of an urban development in a "logical and orderly manner", that is, the site plan does not provide enough egress/ingress for all the lots to the main road and between lots in the development. If this is a correct assessment, the annexation does not "encourage preservation, maintenance and improvement of the existing housing stock." Using Abiqua Heights as the main egress/ingress to the new development has the potential to degrade the home values in Abiqua Heights. Furthermore, the Transportation Element related to this site plan degrades the "safe, and convenient, aesthetic" of both the new development and the Abiqua Heights neighborhood streets.

The AHHA Board has concerns about the open space that is offered to the City in this proposal. Maintenance of the slope and the potential of fire if it not sufficiently maintained is worrisome.

We acknowledge street extensions used to provide local neighborhood to neighborhood movement but not as another subdivision's access. If Abiqua Heights is used as the significant or only egress/ingress for the new subdivision's traffic, as shown in the current design, it will cause degradation of our property values as we bear that subdivision's traffic through our neighborhood. Abiqua Heights has worked hard to ensure high quality and value for the City of Silverton and our Abiqua Heights neighborhood.

Thank you,
The AHHA Board

July 1, 2019
From: Wayne and Karen Trucke
540 Tillicum Dr
Silverton, Oregon

To: Planning Commission
Reference File No.: AN-17-01

We live at 540 Tillicum Drive, a main access street for Abiqua Heights. We oppose the current proposal. We believe East View should be the primary access and that Tillicum's water pressure problem needs to be rectified.

The design of Abiqua Heights around the city's detention pond and our park drives Tillicum's design as a straight, hilly, steep street running the length of the neighborhood. Except for East View, of course, plus about 5 lots with garages on side streets, all lots in Abiqua Heights and Vista Ridge must use Tillicum in some way in order to leave or enter the neighborhood. We oppose an additional neighborhood having to use our neighborhood street as its 'primary' access due to noise, more speeding, and safety issues

When looking at property on Tillicum, we were concerned about the stub at the end of the street because there was no notice giving information. So before purchasing a Tillicum lot we checked with the builder, neighbors, and maps to ensure that the road designated as the primary access to the south would be East View, not Tillicum.

We oppose Tillicum being used as a primary access street for the new development based on the preliminary lot layout and transportation network. It is stated in the City's Transportation Plan Policies that the City is to protect neighborhoods from excessive through traffic and that streets are to be designed to minimize speeding. Also, the Balance of Transportation System goals call for new developments to ensure that streets minimize cut-through traffic on residential streets. These requirements cannot be met if Tillicum is a primary access for the new development because the preliminary lot design is forcing unnecessary traffic onto Tillicum, East View needs improvement, and Tillicum is too long, straight and steep with multiple primary intersections.

We feel more of the new development's streets should be through to East View because it is the only street that connects to a street defined as a connector, Steelhammer. Per the current site plan, there are 'lots' in the new development that are blocked from accessing East View thus they are not provided a means to exit the development without jogging through Abiqua Heights via Tillicum. We are opposed to the use of Tillicum just as a means to get to East View when all lots from the new development should be able to access it from their own development. Even more egregious some east lots in the new development can't even visit their own development's west side, and vice versa, without going through Abiqua Heights using Tillicum. We consider this cut-through and unnecessary traffic. This is not a desired flow. We request the City consider that a better flow be proposed during the final site plan review with sufficient through streets that run east and west in the subject's development in order to give all lots access to East View and each other. This would balance traffic flow while reducing safety issues and unnecessarily induced cross-flow traffic on Abiqua Heights streets and help to meet difficult City

Page 1 of 2

Transportation goals. The City Transportation Plan Policies speak to requirements for or limits to circles, dead ends, cul-de-sacs, and other closed-end street systems that concerns us about the conceptual plan for the subject's property and East View access.

We expect degradation to our home's value and livability if Tillicum is opened as a primary access to another development with possibly 40+ lots.

Due to its design, we prefer that Tillicum is not an access street for this new development.

Regarding water: Due to the steep grade, a river runs down Tillicum even with the slightest rain. We don't know the grade of the storm drains and how deep they need to be to handle the increase in flow down Tillicum. We want to ensure that there will not be overflows of water affecting our home or property on Tillicum as there have been in the past. Tillicum residents experience low water pressure. If not already done, we ask that storm drains be reviewed again because of the addition of a subdivision. Water pressure problems need to be rectified and reviewed for the addition's impact on our water pressure before new development occurs.

Thank you,



Wayne and Karen Trucke
540 Tillicum Dr
Silverton, Oregon



July 1, 2019

City of Silverton
306 South Water Street
Silverton, OR 97381

Reference: File No. AN-17-01. Annexation application to annex 5005 East View Lane into the City Limits and zone the property R-1, Single Family Residential.

To Whom It May Concern:

We oppose the annexation of the stated property at 5005 East View Lane into the City Limits and zoning the property as R-1, Single Family Residential.

The primary concern is increased traffic in Abiqua Heights and the poor access roads to this area. Main Street up Danger Hill, Church Street and Steelhammer Road are all narrow and not conducive to additional traffic. In addition, Steelhammer Road is in very poor physical shape in certain locations. The streets in Abiqua Heights are also narrow and it is difficult for cars going in opposite directions to proceed when vehicles are parked in the street.

The Notice of Public Hearing document is inadequate in that it does not provide information on:

1. The proposed number of residential units for the area.
2. What would be required of the developer to remediate traffic issues, or if this problem would even be addressed.
3. Additional costs to the City of Silverton to provide services to this area.
4. The City's drainage and sewer treatment are already inadequate and how these will be affected by the additional housing.

Sincerely,

Ross and Carol May
Tillicum Drive



July 9, 2019

TO: Planning Commission & City Council

FROM: David & Monica Miller, Owners of 1005 Enstad Ct, Silverton OR

SUBJECT: CONCERNS OVER ANNEXATION APPLICATION AN-17-01

We, David & Monica Miller, along with our three children (ages 9, 12 and 18,) have been Silverton homeowners since June 13, 2017. My wife and I are prior military and I am 100% permanently disabled/retired. We have travelled extensively, have friends and family all over the world and had numerous employment opportunities which gave us plenty of options for settling down. After much exhausting research, we decided to be life long residents of the community of Silverton OR. This city is known for its beautiful scenery, modern amenities and tight-knit, yet friendly, inhabitants. We didn't " have to" live here, we "wanted" to live here, to be a part of the wonderful Silverton community.

Contained within these documents are photos and a list of concerns/questions from the homeowners of property that directly borders the area being considered for annexation.

A) Directly bordering and situated at the base of the hillside below the proposed area, what problems would arise from erosion, such as construction, run-off of water/sewage and future property owners terra-forming?

NOTE - At the base of our driveway, leading into the cul-du-sac are two drainage pipes which at times deposit a green liquid sludge. **(PICTURE 01)** Which we have been told by city employees are directly connected to the homes already in place at the top of the ridge above our home.

B) Neighborhood effects, such as increased traffic flow, noise, destruction of current skyline/scenery and property values. **(PICTURES 02 - 04)**



C) Environmental and wildlife impact. Our community currently shares an enviable view of beautiful indigenous trees and plants of Oregon with an array of animals and birds. Decreasing the amount of space these creatures have would drive them further into the homes and inhabited areas. **(PICTURES 05-08)**

NOTE - I am currently awaiting word back from the United States Fish and Wildlife Service and Oregon's Department of Fish and Wildlife, concerning any impact on these flora and fauna. Most notably on the Northern Spotted Owl, which is currently on the "threatened" list

due to destruction of nesting sites. Contained you will find a photo of one which visited our porch on many occasions. **(PICTURE 09-10)** Should this annexation proposal be approved, it would mean a possible halting of construction for an undeterminable amount of time and the possible cost to the individuals concerned while the federal and state agencies perform a study on this matter.

My family and I appreciate the time and efforts of the city of Silvertown and its council on behalf of ourselves and our neighbors.

Sincerely,



Signed, David and Monica Miller



PICTURE #1

PICTURE #2



1005 ENSTAD CT 2019

PICTURE #3



PICTURE #4



1005 ENSTAD CT 2019

PICTURE #5



PICTURE #6

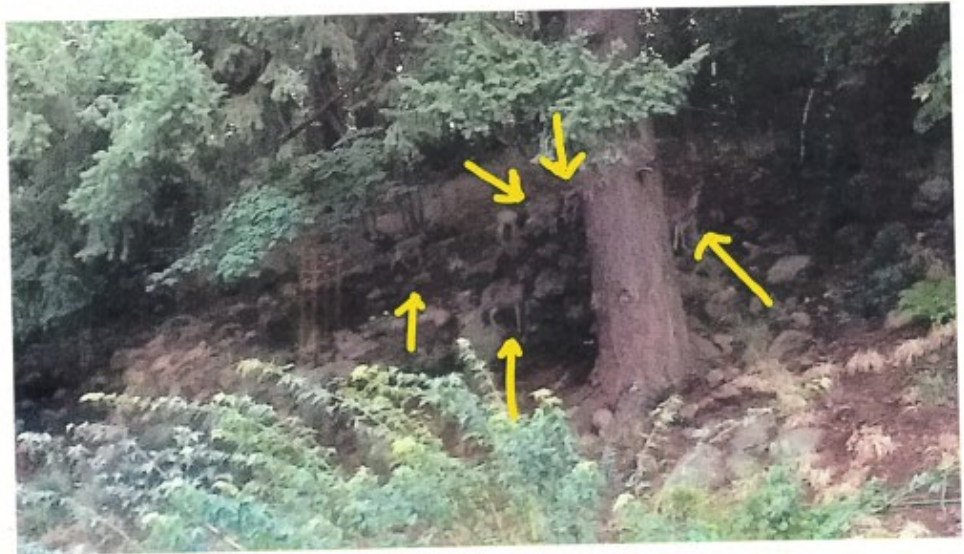


1005 ENSTAD CT 2019

PICTURE #7



PICTURE #8



1005 ENSTAD CT 2019

PICTURE #9



SPOTTED OWL TAKEN 2018

PICTURE #10

LOCATION OF
OWL IN ABOVE
PHOTO



1005 ENSTAD CT 2019

ABIQUA HEIGHTS HOMEOWNERS' ASSOCIATION

July 29, 2019

Silverton City Council

The Abiqua Heights Board of Directors expressed concerns about the proposed annexation to the Planning Commission prior to their July 9, 2019 meeting. At that time, we expressed concerns for deficient infrastructure resources, storm water runoff, and water pressure issues. The Planning Commission made a negative recommendation for the proposed annexation and we agree with that decision.

However, we have learned more about the proposed annexation and though our concerns remain for the above-mentioned items, we have a new concern. A significant part of the 17+ acres is too steep to build upon and from what we have been able to determine there are two options for this land. One is for the land to be donated to the city for the possible development of walking trails and the other is for the land to be logged and then left vacant. We are concerned that either of these options make the possibility of fire a public safety issue. From the plot map for the annexed property there is no access for firefighting equipment from the proposed neighborhood or from the houses below that are accessed by Water Street.

Until the issue of public safety and other infrastructure concerns are met, we urge the City Council to deny the request for annexation at this time. The city can always revisit the annexation of this property in the future.

Finally, we are uneasy with the speed of the process to annex this property. It was not until very late June that anyone in Abiqua Heights was informed of this proposal. That is just six weeks from hearing of the proposal until the City Council addresses the matter. We believe that is far too short of time to gather information, deal with misinformation, and make a judgment on a proposal that impacts many already living in Silverton.

Sincerely,

Karen L. Garst, President

P O Box 461
Silverton, OR 97381
www.abiquaheights.com

OFFICERS 2019
PRESIDENT: KAREN GARST
SECRETARY: TODD FERRELL
TREASURER: WAYNE TRUCKE