

CITY OF SILVERTON
ORDINANCE
18-21

AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 0.57 ACRES OF LAND LOCATED AT 1355 SOUTH WATER 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 00500

WHEREAS, the City of Silverton has been petitioned to annex 1355 South Water Street that is outside the City Limits 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 00500.

WHEREAS, the area proposed for annexation is described as a tract of land situated in Section 1, T7S, R1 W, W.M. Marion County Oregon and more particularly described as follows:

Beginning at the southwest corner of Lot 4 of the Keeton Subdivision MCSR S26-004 said point being marked by a 2" Galvanized Pipe.

- (1) Thence South 20 30' West 162.36 feet;
- (2) Thence South 41 45' East 152.1 feet;
- (3) Thence North 36 10' East 147.84 feet
- (4) Thence N 41 45' West 210.66 feet to the point of beginning, containing 0.57 acres more or less

NOW, THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

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

(1) The Silverton 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 July 2, 2018, 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 August 1, 2018.

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 0.57 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 Recorder shall request that the Assessor shall furnish within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.

Section 7. **Notice to Secretary of State.** In accordance with ORS 222.177 the City Recorder shall transmit to the Secretary of State:

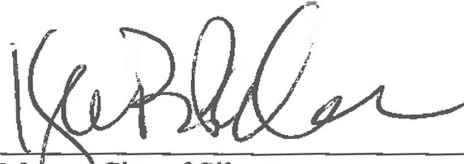
- (1) A copy of this ordinance proclaiming the annexation.
- (2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.
- (3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.
- (4) A copy of the ordinance issued under ORS 222.120 (4).
- (5) An abstract of the vote upon the referendum, if a referendum petition was filed, with respect to the ordinance adopted under ORS 222.120.

Section 8. **Exhibits.** The City Council adopts the Findings of Fact, attached hereto as "Exhibit A", a map of the area being annexed as Exhibit "B", and by this reference all incorporated herein.

Section 9. **Zone Designation.** Upon annexation the property shall have a City of Silverton zoning designation of **R-1 (Single Family Residential)**.

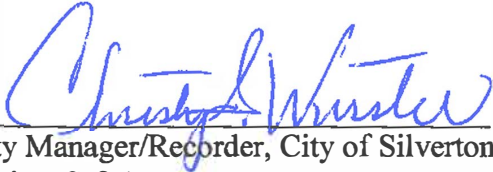
Section 10. **Effective Date.** In accordance with ORS 222.180 the effective date of annexation shall be August 1, 2018.

Ordinance adopted by the City Council of the City of Silverton, this 2nd day of July, 2018.



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-18-02

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

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 071W01CC
LOTS #: 00500
SITE SIZE: 21,350 SQ. FT.
ADDRESS: 1355 SOUTH WATER STREET

APPLICANT:
ROSE-ELLEN HOPE
1355 SOUTH WATER STREET
SILVERTON, OR 97381

PROPERTY OWNER:
ROSE-ELLEN HOPE
1355 SOUTH WATER STREET
SILVERTON, OR 97381

LOCATION: LOCATED ON THE NORTH SIDE OF SOUTH WATER STREET ADJACENT TO PIONEER DRIVE.

PROPOSED DEVELOPMENT ACTION: ANNEXATION APPLICATION TO ANNEX 1355 SOUTH WATER STREET INTO THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS 21,350 SQUARE FEET IN AREA AND CONTAINS A SINGLE FAMILY DWELLING. THE ANNEXATION REQUEST IS TO FACILITATE AN ADDITION TO THE EXISTING HOME THAT NECESSITATES THE PROPERTY TO CONNECT TO CITY SEWER. THE PROPERTY IS CURRENTLY CONNECTED TO CITY WATER.

DATE: JUNE 21, 2018

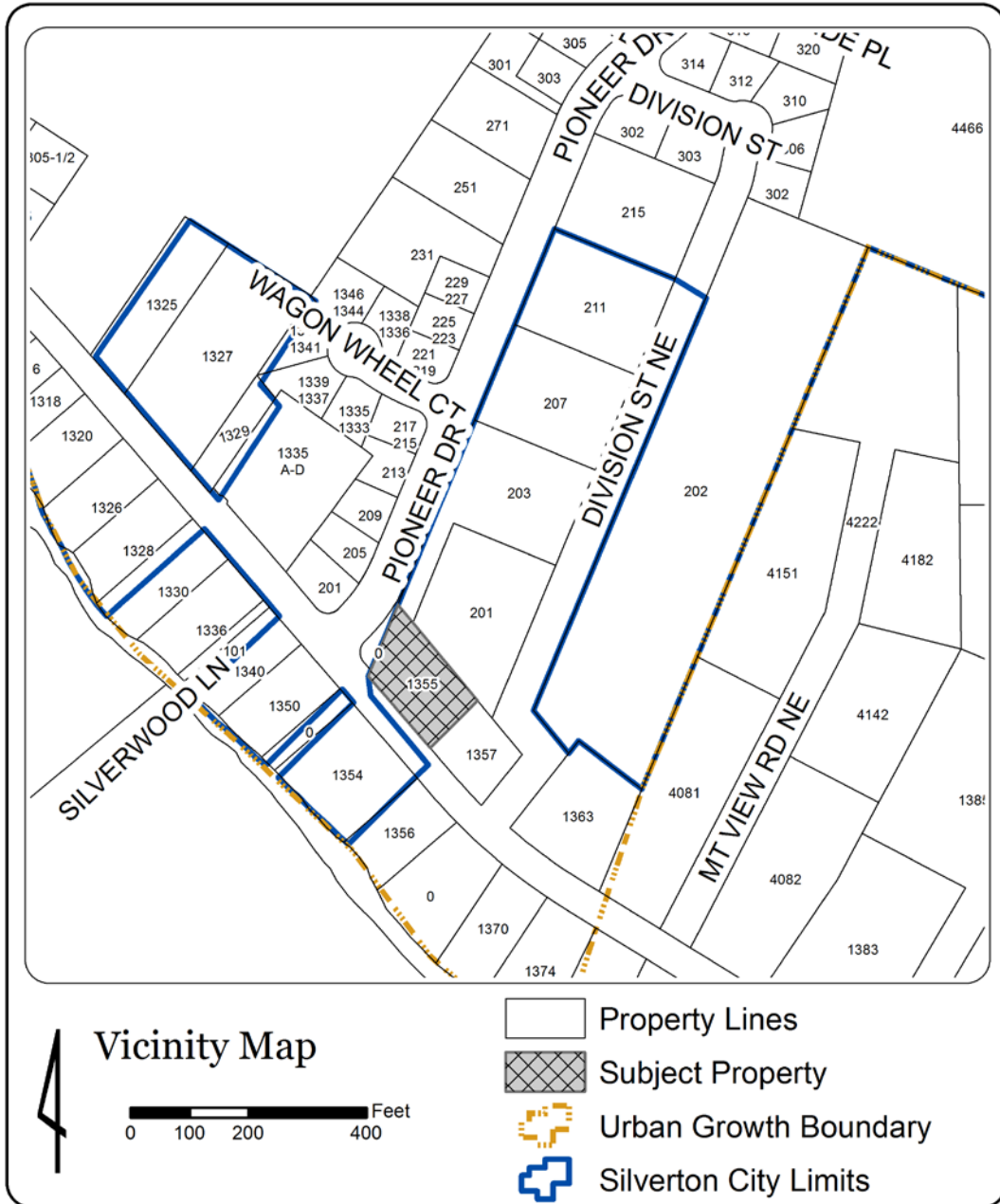
- Attachments
- A. Vicinity Map and Review Criteria
 - B. Applicant’s Findings
 - C. Conditions of Approval
 - D. Staff Report
 - E. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-18-02

Vicinity Map and Surrounding Land Use Districts

- North – UT-5, Urban Transition – 5 Acre
- East – UT-5, Urban Transition – 5 Acre
- South – R-1, Single Family Residential
- West – RM-20, Multi-Family Residential - 20



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

1355 S. Water
Silverton OR 97381
4-26-18

Jason Gottgetreu
Community Development Director
Silverton City Hall
306 S. Water St.
Silverton OR 97381

RE: ANNEXATION REQUEST


Currently, I own 0.05 Acres in the Silverton city limits, acquired from Larry Epping. Adjoining this I previously purchased 0.58 Acres, which is currently in Marion county. Both are in the Urban Growth Boundary, zoned single family residence.

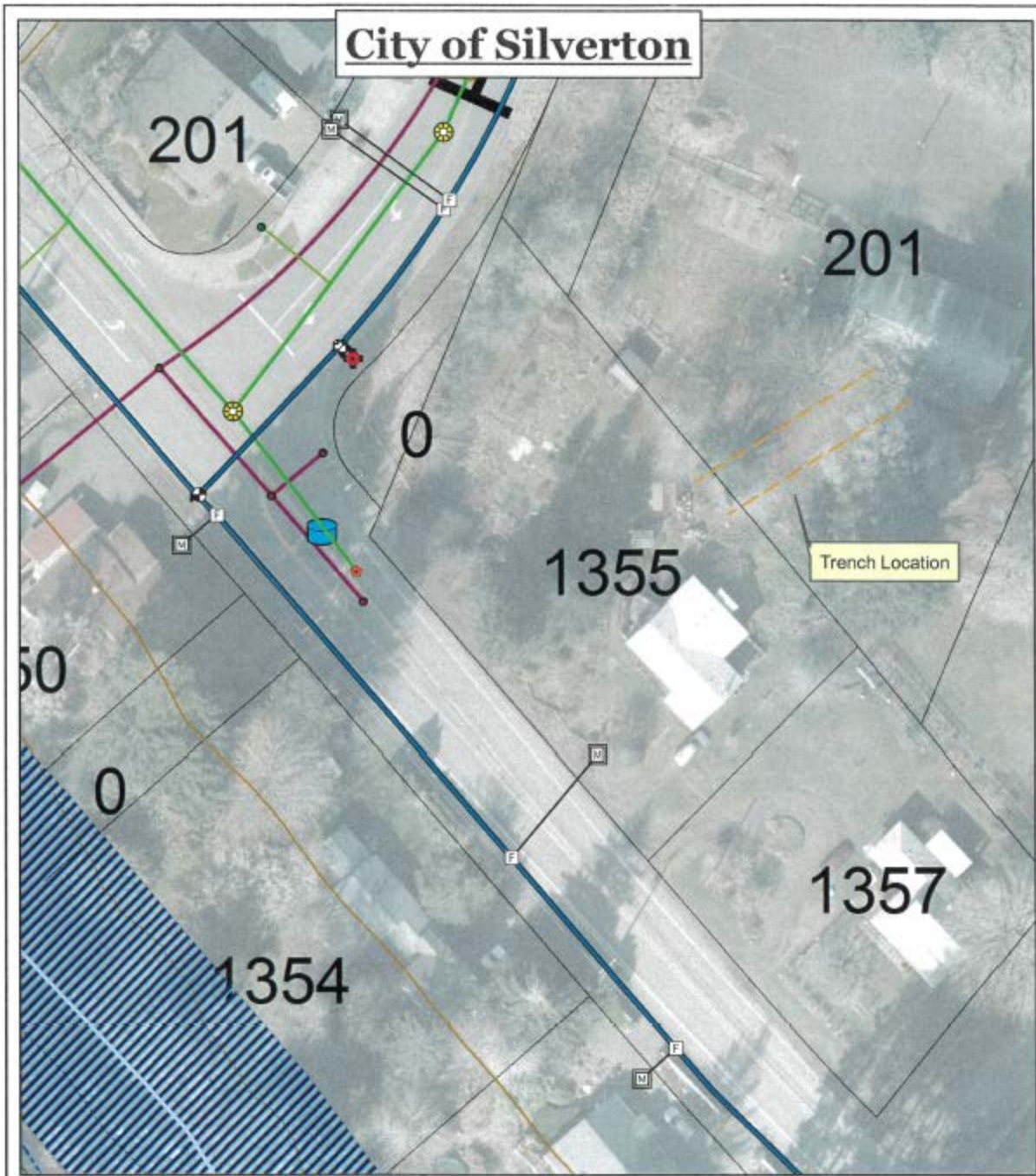
In the process of adding a master suite bedroom to my home, I have learned that an increase in the septic tank capacity to 1000 gallons is required. This would also entail a new drain field, which would be a tight, perhaps impossible, fit; or installation of a small, very expensive water treatment device. Alternatively, I could annex into the city in order to connect to city sewer. (I have always had city water.) This will entail system development costs due to needing to extend the sewer pipe from the corner of Pioneer and Water streets, as well as coordination with ODOT, as it is along a state highway 214.

Enclosed is the application with attachments and a check for the application fee.

I would appreciate a realistic time frame, as well as expediting, this decision and process.

Thank you.


Rose-Ellen Hope
503-873-1446
roseofhope@msn.com



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

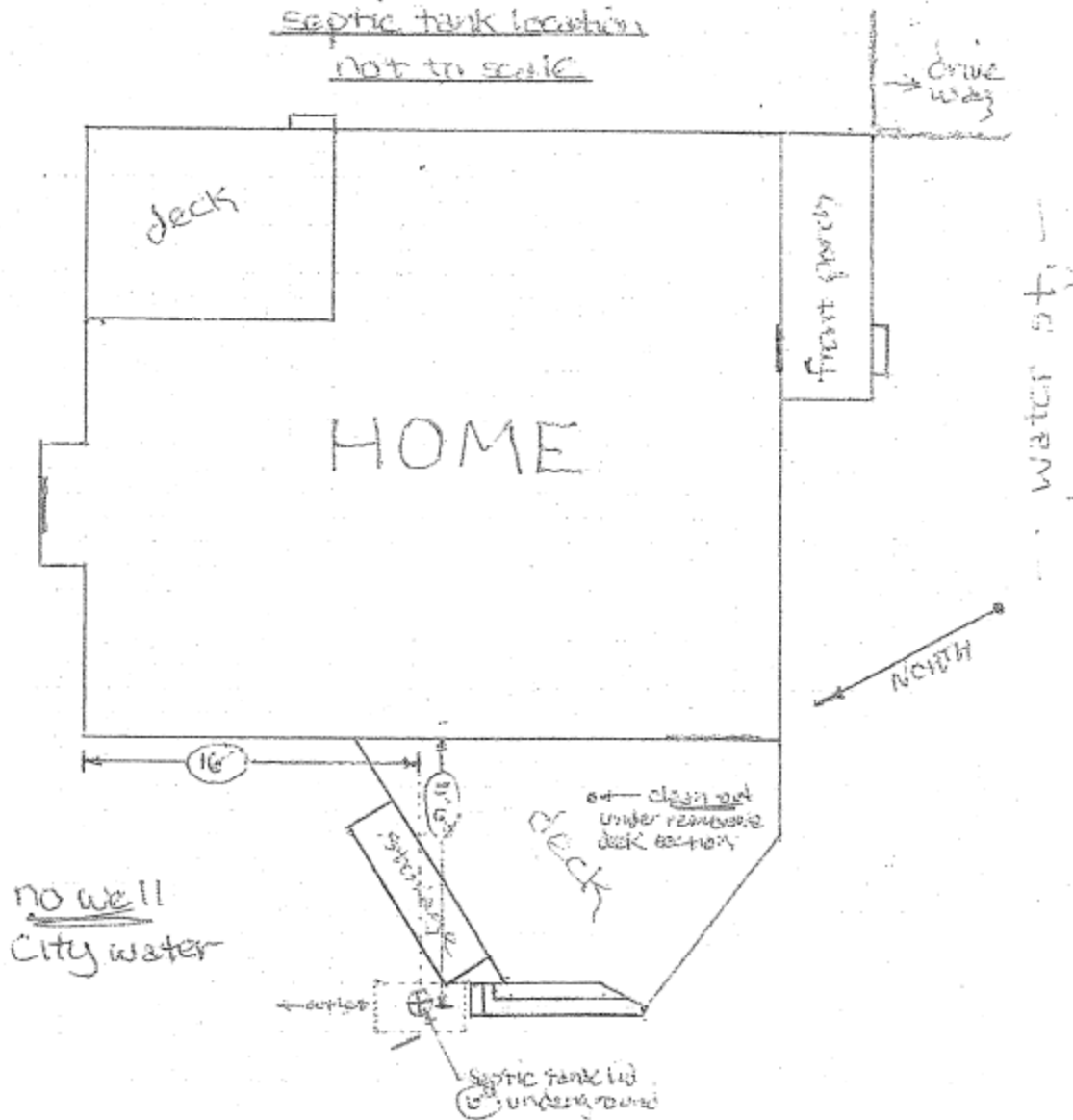
EXHIBIT "A"

Commencing at the Southwest corner of a 5.8 acre tract of land conveyed by Al Coolidge & Company, to J. L. Stalker on the 4th day of October 1897, said commencing point is also the middle of the County Road leading from Silverton to the Union Light and Power Company's plant; thence South 41° 45' East along the County Road 4.35 chains; thence North 36° 10' East 2.24 chains; thence North 41° 45' West 5.01 chains; thence South 20° 30' West 2.46 chains to the place of beginning, being a part of the Donation Land Claim of James Smith and wife, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon.

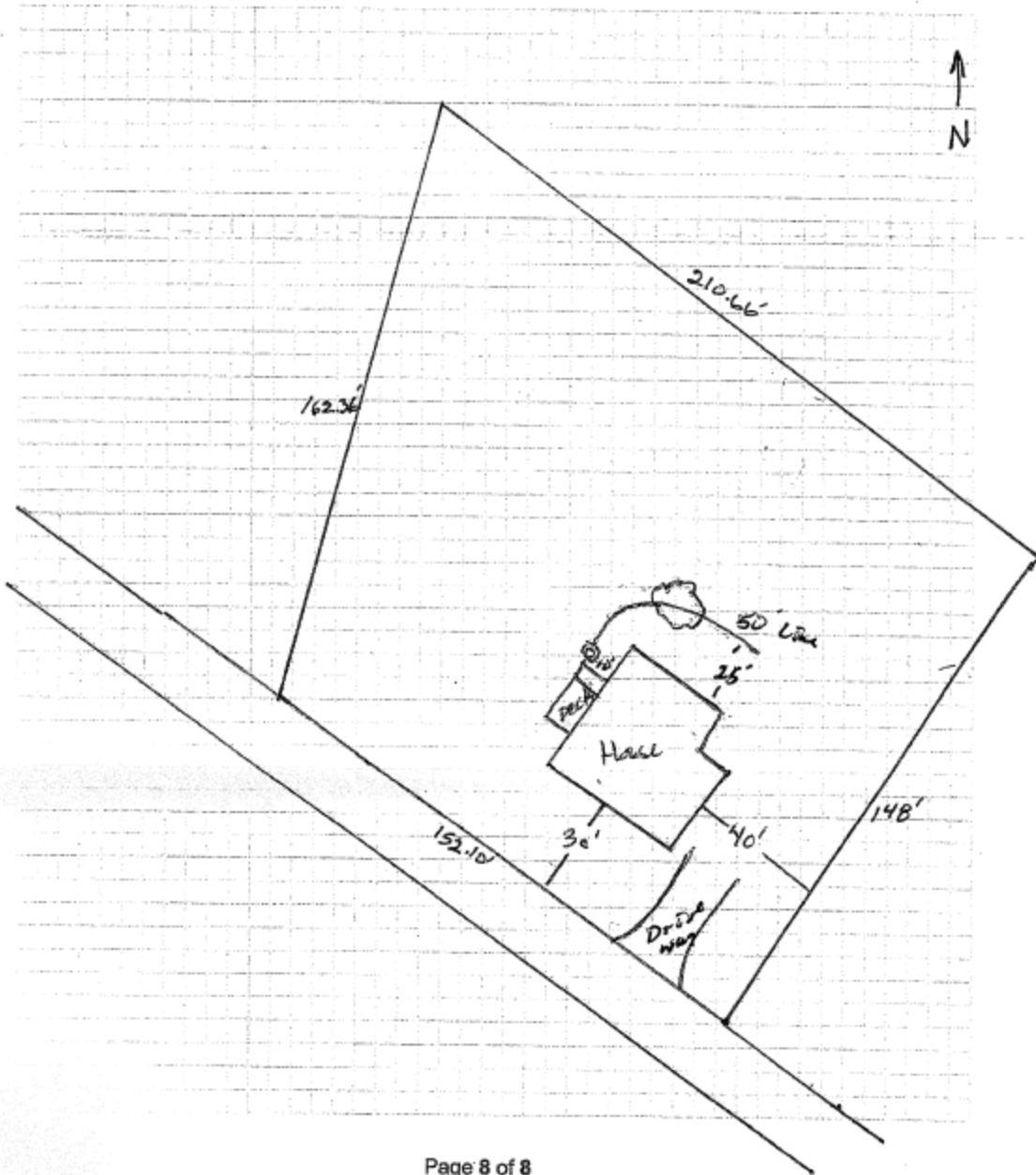
SAVE AND EXCEPT the following: Beginning on the Southwesterly line of the above described tract 135.0 feet North 41° 45' West from the most Southerly corner thereof; thence South 41° 45' East 135.0 feet to said most Southerly corner; thence North 36° 10' East 2.24 chains to the most Easterly corner of said tract; thence North 41° 45' West along the Northeast line of said tract 120.00 feet to a point; thence Southwesterly to the point of beginning.

Real Property Tax Account No. 49337-000
Situs Address as disclosed by Marion County Tax Roll: 1355 S. Water St.
Silverton, OR 97381

Provide a Site Plan in the space below: Show the actual or best estimate measurements of components that were confirmed during this evaluation; septic tank, soil absorption system, property lines (if known), easements (if known), existing structures, driveways, and water supply (water lines and wells). Draw to scale and indicate the direction north.



Provide a Site Plan in the space below: Show the actual or best estimate measurements of components that were confirmed during this evaluation; septic tank, soil absorption system, property lines (if known), easements (if known), existing structures, driveways, and water supply (water lines and wells). **Draw to scale and indicate the direction north.**



ATTACHMENT C: CONDITIONS OF APPROVAL

1. The applicant will be required to extend the public sanitary sewer mainline to the south eastern boundary of the site in accordance with Public Works Design Standards to serve the existing single family home.
2. A Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of South Water Street including a half street improvement with curbs and sidewalks shall be signed prior to the signing of the Ordinance.

ATTACHMENT D: STAFF REPORT, AN-18-02

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on April 26, 2018 to annex 1355 South Water Street into the City Limits and zone the property R-1, Single Family Residential. The property is 21,350 square feet in area and contains a single family dwelling. The annexation request is to facilitate an addition to the existing home that necessitates the property to connect to City sewer. The property is currently connected to City water.
2. The site is currently developed with a single family home. The home was constructed in 1959. The dwelling is already connected to city water and is requesting annexation to connect to city sanitary sewer facilities to facilitate an addition to the existing home.
3. Notice was mailed to all property owners within 700 feet of the subject area on May 23, 2018. As of this writing, June 5, 2018 no written testimony has been received. The notice was published in the Silverton Appeal on May 30, 2018. The site was posted on June 1, 2018. The Planning Commission reviewed the application at their June 12, 2018 meeting and recommends the Council approve the request.
4. The City Council passed Resolution 18-06 on February 5, 2018 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject area is less than two acres in size and not subject to the hold.

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 April 26, 2018 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on May 23, 2018. The notice was published in the Silverton Appeal on May 30, 2018. The site posted on June 1, 2018. The Planning Commission reviewed the application at their June 12, 2018 meeting and recommends the Council approve the request. The annexation will be before the City Council July 2, 2018.

Unless mandated by state law, annexation, delayed annexations, and/or extension of city services may only be approved by a majority vote among the electorate. On March 15,

2016, the State enacted SB 1573 that states that the legislative body of a city shall annex a territory petitioning annexation without submitting the proposal to the electors of the city if the territory is within the Urban Growth Boundary, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city limits and the proposal conforms to all other requirements of the city's ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation.

The City Council passed Resolution 18-06 on February 5, 2018 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject property is less than two acres in size and not subject to the hold. City Staff were directed in all other regards to comply with the Charter, Comprehensive Plan, Development Code and all other applicable land use laws in processing annexation proposals. This staff report will review the proposal for conformity with all other requirements of the city's ordinances.

Section 4.10.140 Review Criteria – Annexation

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

1. Adequacy of access to the site; and

Findings: The site is located south east of the intersection of South Water Street and Pioneer Drive Street. The site is 21,350 square feet in area and has the potential to be partitioned into two or three parcels in the future. S Water Street is under ODOT jurisdiction. ODOT has no objections to the applicant's proposal. The property abuts the Silver Creek Falls Highway, No. 163, OR-214, and is subject to state laws administered by the Oregon Department of Transportation. These laws may require the applicant to obtain one or more state permits. ODOT has reviewed its access permit records and determined there is not an existing permit for the highway access.

Administrative rules were adopted by the Oregon Legislature related to the issuance of access permits for connections (driveways) to the state highway system. The rule contains a section related to existing private connections that do not have an access permit issued by ODOT; OAR 734-051-3015, Presumption of Written Permission for an Existing Private Connection. This portion of rule gives ODOT the ability to acknowledge existing connections as if they had legal status similar to an access permit. ODOT makes this determination based on documentation that indicates a connection was in existence as of January 1, 2014. Specific to the highway connection associated with this land use notice, ODOT has verified that the connection meets the administrative rule criteria and thereby can be viewed as permitted. Please note this determination may be subject to further review under administrative rule, OAR 734-051-3020, Change of Use of a Private Connection, upon redevelopment of the site, and/or if the connection is modified, relocated or if a new connection is proposed to the property.

If the applicant or their contractor is required to occupy state highway right-of-way to relocate or reconstruct franchise utilities, A Permit To Occupy Or Perform Operations

Upon A State Highway will be necessary. The permit can be obtained by contacting Tom Sagers, District 3 Permit Specialist at 503.986.2876. The applicant or their contractor shall obtain the permit 30 calendar days prior to commencing any activities within state highway right-of-way. Criterion 1 is met.

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

Findings: The parcel to be annexed is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. A single family dwelling currently exists on the site in conformance with the Comprehensive Plan (Comp 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." 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." The area proposed for annexation is developed with an existing single family home on a septic system. The dwelling is already connected to city water and is requesting annexation to connect to city sanitary sewer facilities to facilitate an addition to the existing home that necessitates the property to connect to City sewer. As such, this annexation and subsequent connection to the City's waste 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 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.

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

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

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

3. *Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extensions or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city’s infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and*

Findings: The property is requesting annexation in order to connect to city sanitary sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system, and transportation network exist adjacent to the site. A sanitary sewer mainline exists at the property’s western corner in South Water Street. Each of the utilities is the standard size for residential development. The applicant will be required to extend the public sanitary sewer mainline to the eastern boundary of the site in accordance with Public Works Design Standards to serve the existing single family home (**Condition 1**). 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 property is requesting annexation in order to connect to city sanitary sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system, and transportation network exist adjacent to the site. A sanitary sewer mainline exists at the property’s western corner in South Water Street. South Water Street is a State highway that lacks sidewalk facilities. A Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site’s frontage of South Water Street including a half street improvement with curbs and sidewalks shall be signed prior to the signing of the Ordinance (**Condition 2**). 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. Therefore Criterion 4 is met.

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

Findings: The area is contiguous to the City. The site abuts the City Limits along the southern and western property lines. 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 used as a single family dwelling, a permitted use. It is designated Single Family of the Comprehensive Plan Map and will be zoned R-1, Single Family Residential, thereby meeting Criterion 7.

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

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

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

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

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

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

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

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

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

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

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

Findings: The annexation will add one single family home to the City Limits. The request is to be able to connect the existing dwelling to city sanitary sewer facilities. The applicant

will be required to construct the sanitary sewer line to serve the property and will pay the Sanitary Sewer System Development Charge for the impact to the system. No additional dwellings are proposed from the annexation. The standard is met.

13. If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

Findings: The 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 52 and the amount of redevelopable land amounts to 613 lots for a total supply of 665. The City is between the 5 year and 8 year supply which allows the City to consider additional factors when reviewing the annexation. The annexation is small in scale and is in an area that is nearly surrounded by the City Limits. The majority of the site is already annexed into the City Limits. Adding a development that would only create the potential of one or two additional parcels would not harm the public good. This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not. If there is evidence in the record that could support approval and evidence that could support denial, and where the review criteria are subjective, the Planning Commission gets to decide which evidence they find more persuasive. As long as a reasonable trier of fact could believe the evidence relied on for a decision, the approval or denial will stand.

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

Findings: The property is requesting annexation to connect to the sanitary sewer system to facilitate an addition to the existing home that necessitates the property to connect to City sewer, making the annexation timely.

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

Findings: The annexation will allow an existing home the ability to construct an addition to the existing home which necessitates the property to connect to City sewer. Annexing a

property connected to the City Water system is in the public interest. This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not.

III. SUMMARY AND CONCLUSION

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

The Planning Commission held a public hearing to evaluate the proposed annexation and recommends the City Council approve the application.

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

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

City Council Options:

The City Council shall:

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

ATTACHMENT E: TESTIMONY

None Received.

Exhibit 'B'

