

**CITY OF SILVERTON**  
**ORDINANCE**  
**18-04**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 1.03 ACRES OF LAND LOCATED AT 685 SCHEMME LANE AND THE ADJACENT TAXLOT 601W34BB 03600 INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL WITH A CONCURRENT PROPERTY LINE ADJUSTMENT TO SHIFT THE COMMON PROPERTY LINE TO THE SOUTH BY 12' AND TO PARTITION TAXLOT 061W34BB 03600 INTO THREE PARCELS. MARION COUNTY ASSESSOR'S MAP 061W34BB TAX LOTS 03500 & 03600**

**WHEREAS**, the City of Silverton has been petitioned for the annexation of 1.03 acres of land located at 685 Schemmel Lane and the adjacent Taxlot 601W34BB 03600 into the City Limits of the City of Silverton, Oregon and zoning the property R-1, Single Family Residential. Marion County Assessor's Map 061W34BB Tax Lots 03500 & 03600; and

**WHEREAS**, the area proposed for annexation is described as a tract of land situated in Section 34, T6S, R1W, W.M. Marion County Oregon and more particularly described as follows:

Beginning at a 5/8<sup>th</sup> iron rod with cap PLS 1167 Per PS 28715, said point being 420.59 feet south of the intersection of Pine Street and Schemmel Lane along the westerly edge of Schemmel Lane.

Thence South 81° 15' West 150.47 feet

Thence North 314.84 feet

Thence South 88° 08' East 148.81'

Thence South 286.7 feet to the point of beginning.

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

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

(1)     The Silverton City Council cannot submit this proposal for annexation of territory to the electors of the city for their approval or rejection. A public hearing before the Council was held March 5, 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 April 4, 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 1.03 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:

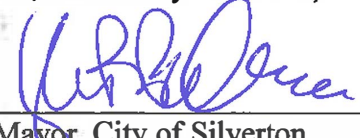
- (1)     A copy of this ordinance proclaiming the annexation.
- (2)     An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole 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:     **Effective date.** In accordance with ORS 222.180 the effective date of annexation shall be April 4, 2018.

Section 9:     **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 10:   **Zone designation.** Upon annexation the property shall have a City of Silverton zoning designation of **R-1 (Single Family Residential)**.

Ordinance adopted by the City Council of the City of Silverton, this 5<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Mayor, City of Silverton  
Kyle Palmer

ATTEST

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



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

## STAFF REPORT

### PROCEDURE TYPE IV

FILE NUMBER: AN-17-03 & PA 17-04 & LA-17-03

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

### PROPERTY DESCRIPTION:

ASSESSOR MAP#: 061W34BB

LOTS #: 03500 & 03600

SITE SIZE: 1.02 ACRES

ADDRESS: 685 SCHEMMEL LANE

**PROPOSED DEVELOPMENT ACTION:** ANNEXATION APPLICATION TO ANNEX 685 SCHEMMEL LANE AND THE ADJACENT TAXLOT 601W34BB 03600 INTO THE CITY LIMITS AND ZONE THE PROPERTIES R-1, SINGLE FAMILY RESIDENTIAL WITH A CONCURRENT PROPERTY LINE ADJUSTMENT REQUEST TO SHIFT THE COMMON PROPERTY LINE TO THE SOUTH BY 12' WITH A PARTITION APPLICATION TO PARTITION TAXLOT 061W34BB 03600 INTO THREE PARCELS WITH PARCEL 1 CONTAINING 9,028 SQUARE FEET, PARCEL TWO CONTAINING 8,800 SQUARE FEET, AND PARCEL 3 CONTAINING 10,356 SQUARE FEET AND PARCEL 3 BEING DESIGNATED A DUPLEX LOT.

DATE: FEBRUARY 22, 2018

### Attachments

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

### APPLICANT:

TIM PUNZEL

PO Box 206

SILVERTON, OR 97381

### PROPERTY OWNER:

TIM PUNZEL

PO Box 206

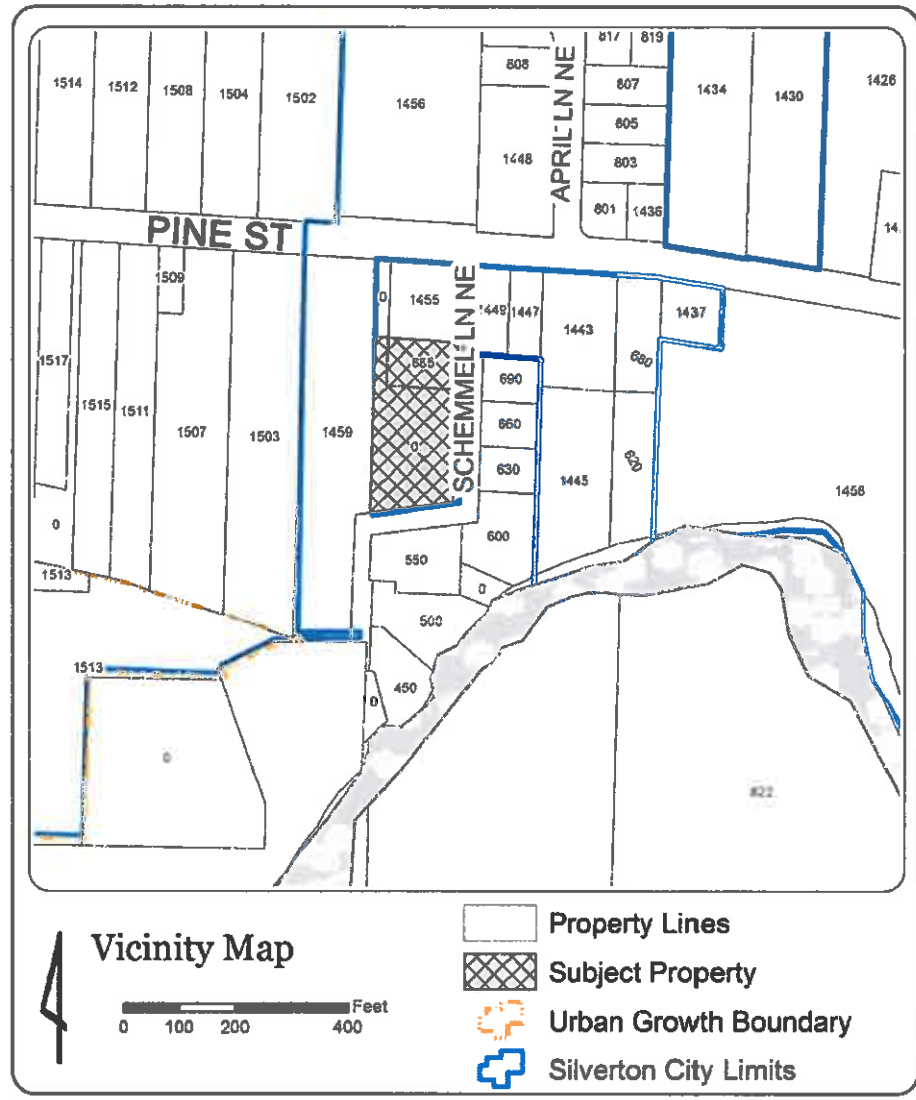
SILVERTON, OR 97381

LOCATION: LOCATED ON THE WEST SIDE OF SCHEMMEL LANE AT 685 SCHEMMEL LANE.

# ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

**Case File: AN-17-03 & PA 17-04 & LA-17-03**  
Vicinity Map and Surrounding Land Use Districts

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



**REVIEW CRITERIA:**

**4.10.140 Annexation 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.

**4.3.210 Property Line Adjustment:** The community development director or designee shall consider the following review criteria and may approve, approve with conditions or deny a request for a property line adjustment in writing based on all of the following:

1. **Parcel Creation.** No additional parcel or lot is created or removed by the lot line adjustment;
2. **Lot Standards.** All lots and parcels conform to the applicable lot standards of the land use district (Article 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;
3. **Access and Road Authority Standards.** All lots and parcels conform to the standards or requirements of Chapter 3.1 SDC, Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any city or road authority standard, it shall not be made even less conforming by the property line adjustment.

#### **4.3.140 Minor Partition**

**A. General Review Criteria.** The city shall consider the following review criteria and may approve, approve with conditions, or deny a preliminary plat based on the following; the applicant shall bear the burden of proof.

1. The proposed preliminary plat complies with the applicable development code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article, and the applicable chapters and sections of Article 2, Land Use (Zoning) Districts, and Article 3, Community Design Standards shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;
2. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions already approved for adjoining property or to provide for logical extension to future properties as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
3. If any part of the site is located within an overlay zone, or previously approved planned development, it shall conform to the applicable regulations and/or conditions;
4. Evidence that any required state and federal permits have been obtained, or shall be obtained before approval of the final plat;

5. Evidence that improvements or conditions required by the city, road authority, county, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
6. If applicable, all proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat, and appropriate covenants, conditions and restrictions (CC&Rs) are provided.

**B. Layout and Design of Streets, Blocks and Lots.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

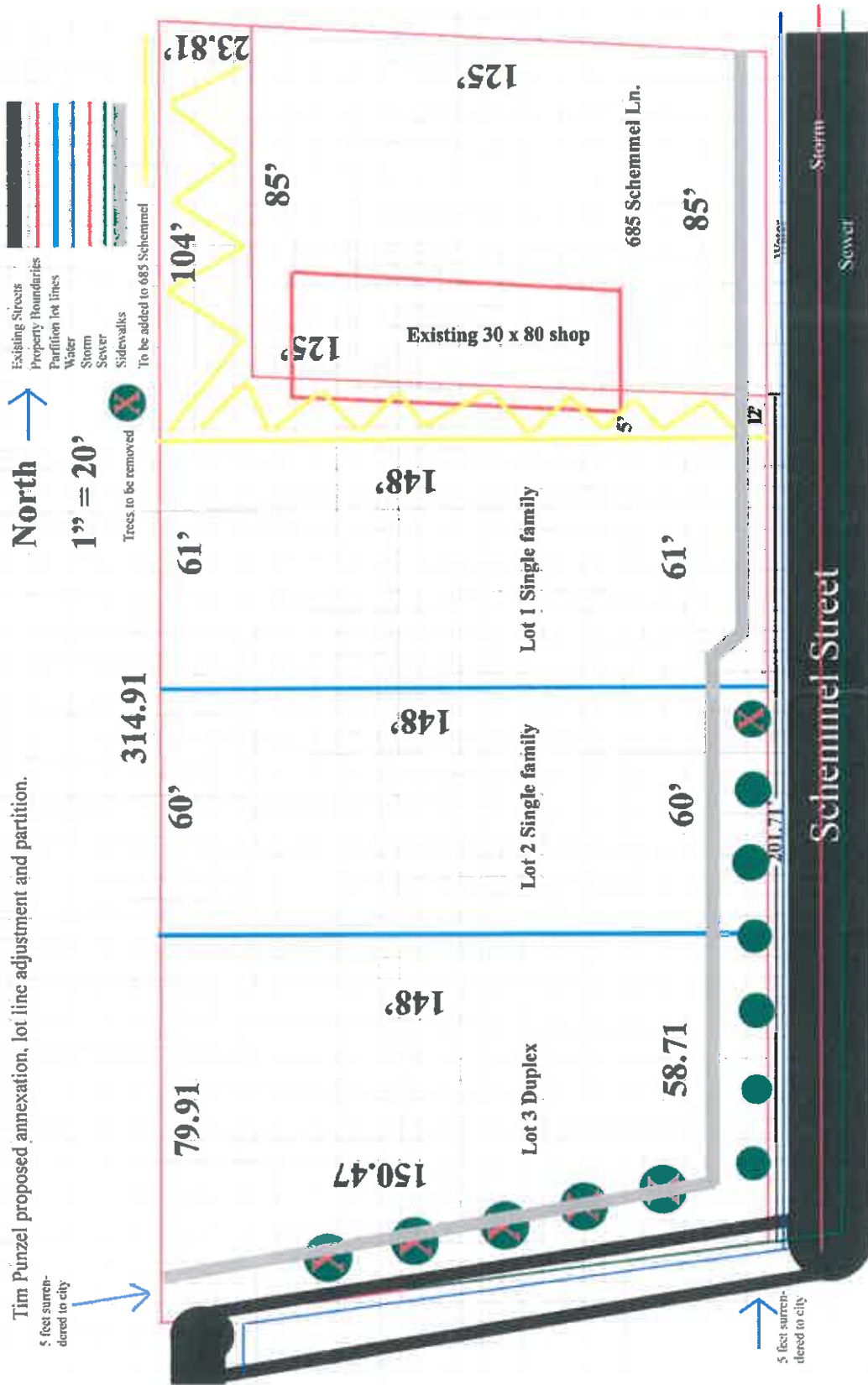
1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 2), and the standards of SDC 3.4.100(G), Subdivision Street Connectivity.
2. Setbacks shall be as required by the applicable land use district (Article 2).
3. Each lot shall conform to the standards of Chapter 3.1 SDC, Access and Circulation.
4. Landscaping or other screening may be required to maintain privacy for abutting uses. See Article 2, Land Use (Zoning) Districts, and Chapter 3.2 SDC, Landscaping, Street Trees, Fences and Walls.
5. In conformance with the International Fire Code, a 12-foot-wide paved fire apparatus access drive within a 20-foot fire apparatus lane shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or other approved access drive. See also Chapter 3.1 SDC, Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

**C. Open Space and Park Dedication.** Requirements for open space and/or park dedication, as provided in SDC 3.4.200, Public use areas, and SDC 4.3.110(J), Floodplain, Park, and Open Space Dedication, are met.

**D. Conditions of Approval.** The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 SDC, Public Facilities.



# ATTACHMENT B: APPLICANT'S FINDINGS



## ATTACHMENT C: CONDITIONS OF APPROVAL

1. The applicant shall sign a Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs, sidewalks, and tree removal.
2. The applicant will be responsible to comply with all Marion County requirements to record the property line adjustment. The property line adjustment shall significantly conform to the submitted plan and shall be recorded within 1 year of this approval.
3. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and Public Works Design Standards into account.
4. All applicable building permits and Public Works permits shall be obtained prior to any work that requires a building permit or Public Works permit.
5. The applicant shall dedicate an additional 15' of Right-of-Way along the eastern frontage of Schemmel Lane and an addition 5' of Right-of-Way along the southern frontage of Schemmel Lane as part of the final plat.
6. Any new dwellings will be required to pay a transportation SDC charge at the time when a building permit is issued.
7. The applicant shall coordinate with the Public Works Department to remove the problematic tree along parcel two, which will then be the location of the driveway to parcel 2.
8. Front yard landscaping meeting development code standards shall be provided for the new dwellings within 6 months of occupancy.
9. 2 off-street parking spaces shall be provided for each dwelling and 3 off-street parking spaces shall be provided to the duplex.
10. New dwellings shall connect to the sanitary sewer mainline in conformance with Public Works Design Standards.
11. Any new dwellings will have to pay all applicable sanitary sewer SDC fees when building permits are issued.
12. New dwellings shall connect to the water mainline in conformance with Public Works Design Standards. Meter boxes shall be installed 1 foot off the property line in accordance with City standards.
13. Applicant shall contact the Fire Department to verify fire flow conditions and meet all applicable Fire District standards.
14. Any new dwellings will have to pay all applicable water SDC fees when building permits are issued.
15. The applicant shall extend the storm system to the west down Schemmel Lane in accordance with Public Works Design Standards.
16. Any new dwellings will be required to pay a stormwater SDC charge at the time when a building permit is issued.
17. All utilities to the project shall be underground services. No overhead crossings of public right of way shall be approved by the city.
18. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements.

19. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.
20. The applicant shall dedicate a 10' wide public utility easement along all street right-of-ways.
21. Any new development will have to pay all applicable park SDC fees during the building permit process.
22. The City will review the final plat as a Type I procedure and will not grant approval unless all require conditions are met. The final plat shall be submitted within three years of the approval of the preliminary plat.
23. A performance guarantee in accordance with section 4.3.180 will be required prior to issuance of any Public Works permits.

# ATTACHMENT D: STAFF REPORT, AN-17-03 & PA 17-04 & LA-17-03

## FINDINGS OF FACT

### A. Background Information:

1. The applicant submitted an application on December 14, 2017 to annex 685 Schemmel Lane and the adjacent Taxlot 061W34BB 03600 into the City Limits and zone the properties R-1, Single Family Residential with a concurrent Property Line Adjustment request to shift the common property line to the south by 12' with a Partition application to Partition Taxlot 061W34BB 03600 into three parcels with parcel 1 containing 9,028 square feet, parcel two containing 8,800 square feet, and parcel 3 containing 10,356 square feet and parcel 3 being designated a duplex lot.
2. The site is currently developed with a single family home with the southern lot being vacant.
3. Notice was mailed to all property owners within 700 feet of the subject area on January 24, 2018. As of this writing, February 6, 2018 no written testimony has been received. The notice was published in the Silverton Appeal on January 31, 2018. The site was posted on February 1, 2018.
4. The City Council passed Resolution 17-09 on February 6, 2017 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.

### 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 December 17, 2017 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on January 24, 2018. The notice was published in the Silverton Appeal on January 31, 2018. The site posted on February 1, 2018. The application will be before the Planning Commission February 13, 2018 and will be before the City Council March 5, 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 17-09 on February 6, 2017 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 on the western side of Schemmel Lane, a local street under Silverton jurisdiction. Criterion 1 is met.

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

**Findings:** The parcel to be annexed is located within the UGB and is 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, standards and other

The Goal of the Air, Water and Land Resources Quality seeks to "Maintain and improve the quality of the area's air, water, and land resources." The area proposed for annexation is developed with an existing single family home on a septic system. As such, this annexation and subsequent connection to the City's water and sewer system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

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, sewer 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*

**Findings:** The property is requesting annexation in order to develop two new single family homes and a duplex, which will be discussed during the partition review of the Staff Report. Public utilities currently exist within the Schemmel Lane Right-of-Way. 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:** There are no identified Master Plan projects identified to serve the site. The water system, storm water system, sewer system, and transportation network exist adjacent to the site. There are a number of large conifer trees adjacent to the Schemmel Lane pavement. The applicant is proposing to retain the trees. There are a few options with regard to the trees. The trees currently exist between 2’ – 5’ from the edge of the pavement of Schemmel Lane. No curbs or sidewalk exist on the west side of Schemmel Lane. The City could require street improvements to include roadway widening, curb, and sidewalks.

This would require the removal of all of all the conifers. Retaining the trees would preclude typical roadway widening improvements. The City could allow sidewalks to be constructed on the west side of the trees, which would be on private property and would require an easement. In order to not damage the trees or compact the dirt around the trees root system, the sidewalks may have to be located outside of the drip line of the trees. This would create an unusual situation and may still impact the trees. Having a sidewalk constructed would not preclude the property owners from being responsible for future roadway improvements should they be necessary in the future, which would be provided in the form of a Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs. Schemmel Lane is a dead end local street. Sidewalks exist along a portion of the east side of the street. The option to provide the most protection for the trees would be to defer any roadway or sidewalk improvements to a point in the future where either the trees have reached the end of their useful life, or have damaged the road to a point where they need to be removed and the roadway improved for safety reasons. This would be done in the form of a Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs, sidewalks, and tree removal. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve the homes. The staff recommended condition was for the third option to provide the most protection to the trees while retaining requiring a standard roadway improvement in the future.

The Planning Commission reviewed the potential options and recommends the roadway improvements be constructed as part of the development. The Planning Commission notes that having the developer construct the improvements now precludes any future uncertainty on if or who would have to pay for said improvements and when maintains consistency that frontage improvements be constructed at the time of development. The applicant shall construct roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs, sidewalks, and tree removal (**Condition 1**). 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, eastern, 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. The Partition being applied for will be reviewed for consistency with the

Single Family 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 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 with the potential for two more single family dwellings and one duplex. The overall impact of the annexation will be minimal given the small scale of the proposed development. 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 62 and the amount of redevelopable land amounts to 613 lots for a total supply of 676. 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. Schemmel Lane is a local dead end street that has limited development potential in the future. The addition of three parcels to the lot supply will retain Silverton under the 8 year supply mark. There is one subdivision under construction in Silverton accounting for 76 lots and no pending subdivision applications. Adding a development that would only create the potential of two additional parcels would not harm the public good.

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

**Findings:** The property is requesting annexation to develop with residential uses. Public facilities already exist fronting the site.

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

**Findings:** The annexation will allow a property that fronts existing City utilities to be annexed and developed in accordance with Silverton Development Code standards. The standard is met.

### Lot Line Adjustment

#### **Section 4.3.210**

#### **Review Criteria**

*The Community Development Director or designee shall consider the following review criteria and may approve, approve with conditions or deny a request for a property line adjustment in writing based on all of the following:*

- 1. Parcel Creation. No additional parcel or lot is created or removed by the lot line adjustment;*

**Findings:** The proposal is to adjust the common property lines between 685 Schemmel Lane and Taxlot 3600. No new parcel is being created by the lot line adjustment. Therefore, Criterion 1 is met

2. *Lot standards. All lots and parcels conform to the applicable lot standards of the land use district (Article 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;*

**Findings:** The proposal is to adjust the common property line between 685 Schemmel Lane and Taxlot 3600 by transferring approximately 4,125 square feet from Taxlot 3600 to 685 Schemmel. The existing property line currently runs underneath the accessory structure on 685 Schemmel. The property line adjustment will locate the new property line 5' from the accessory structure, thereby meeting R-1 setback standards. The adjusted lots will continue to meet the minimum lot width and depth standards. The criterion is met.

3. *Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.1 – Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made even less conforming by the property line adjustment;*

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

#### **Section 3.1.200 Vehicle Access and Circulation**

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

**Findings:** No new accesses are proposed as part of the lot line adjustment. The standard is met.

#### **Section 4.3.210D Recording Property Line Adjustments**

*Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with the County within 1 year of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.*

**Findings:** The applicant will be responsible to comply with all Marion County requirements to record the property line adjustment. The property line adjustment shall significantly conform to the submitted plan and shall be recorded within 1 year of this approval (**Condition 2**).

### **Minor Partition**

#### **Section 4.3.140 Review Criteria: Preliminary Plat**

- A. **General Review Criteria.** The City shall consider the following review criteria and may approve, approve with conditions or deny a preliminary plat based on the following:

1. *The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;*

**Findings:** This review is being undertaken to ensure the proposed preliminary plat complies with the applicable Silverton Development Code (SDC) sections and all other applicable ordinances and regulations. The applicable SDC sections are listed above and are all addressed in the staff report. The proposal has either been found to be compliant with the applicable criteria and standards or conditions have been placed on the proposal to achieve compliance. The proposal meets Criterion 1 based on the affirmative findings found in the staff report that address all applicable SDC sections.

## Article 2 – Land Use Districts

### **Section 2.2.110 Residential Districts – Allowed Land Uses**

**Findings:** The proposal is to partition the adjusted and consolidated Taxlot 3600 into three parcels for the construction of two single family homes and one duplex. Single family homes are allowed outright in the R-1 zone. Duplexes are permitted on one new lot in new partitions and shall be identified as a duplex lot on the final plat. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and Public Works Design Standards into account (**Condition 3**). All applicable building permits and Public Works permits shall be obtained prior to any work that requires a building permit or Public Works permit (**Condition 4**). The standard is met.

### **Section 2.2.120 Residential Districts – Development Standards**

**Findings:** The site is proposed to be partitioned into three parcels. The site is currently vacant. The lot contains a total area of 28,264 square feet and will be divided into three parcels with parcel one containing 9,028 square feet, parcel two containing 8,880 square feet, and parcel 3 containing 10,356 square feet. The minimum lot size in the R-1 zone is 7,000 square feet for an interior lot and 8,000 square feet for a corner lot. The minimum lot width in the R-1 Zone is 50 feet and the minimum lot depth in the R-1 Zone is 60 feet. All parcels meet minimum dimensional standards. The applicant submitted a development plan that indicates each parcel will contain an adequate building envelope given the setbacks in the R-1 zone. The standards are met.

### **Section 2.2.130 Residential Districts –Setbacks Yards**

*Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation.*

**Findings:** The applicant submitted a development plan that indicates each parcel will contain an adequate building envelope given the setbacks in the R-1 zone, thereby meeting the standard.

### **Section 2.2.160 Residential Districts – Lot Coverage**

*The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage by buildings is calculated as the percentage of a lot or parcel covered by buildings and structures exceeding thirty (30) inches above grade, including enclosed and unenclosed structures (as defined by the foundation plane)*

**Findings:** Any new development will be required to meet lot coverage standards. The development plan submitted indicates meeting lot coverage standards is feasible.

### **Section 2.2.200 Residential Districts – Special Use Standards**

*Duplex in R-1 District. Duplexes are allowed in the R-1 district, subject to the following standards which are intended to respect the single-family character of the R-1 district:*

- 1. Floor Area. Total floor area for both dwellings shall not exceed 40 percent of lot area. For example, the maximum floor area (excluding garage space) allowed on an 8,000-square-foot lot is 3,200 square feet.*
- 2. Driveway Access. On corner lots, each dwelling shall strive to have its primary entrance and garage opening, if any, oriented to a different street, meeting public works intersection distance standards. Where vehicular access cannot be taken from two different streets, the approval body may require a shared driveway providing access to both dwellings. On interior lots, shared driveways are preferred and may be required by the review body.*
- 3. Maximum Number of Units. Up to 20 percent of new lots created in new subdivisions are permitted for duplex use and shall be identified as duplex lots on the final plat, with any percent larger than 20 percent requiring conditional use approval. Duplexes are permitted on one new lot in new partitions and shall be identified as a duplex lot on the final plat.*

**Findings:** The applicant is proposing on lot in the partition to be a duplex lot, which is permitted by code. Section 2 of the duplex standards indicates that each dwelling shall strive to have vehicle access taken from separate streets. Requiring an access on the eastern and southern frontage of the parcel would require the removal of some of the large conifers. The southeastern corner of the lot has lower value trees and would be an ideal location for a shared driveway to serve the duplex due to sight distance.

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

#### **Section 3.1.200 Vehicular Access and Circulation**

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

**Findings:** The site is a corner lot that has frontage on Schemmel Lane. Schemmel Lane is a local street under Silverton jurisdiction. Current right-of-way width is between 40' and 45'. The applicant shall dedicate an additional 15' of Right-of-Way along the eastern

frontage of Schemmel Lane and an addition 5' of Right-of-Way along the southern frontage of Schemmel Lane as part of the final plat (**Condition 5**).

In accordance with SMC 13.70.110 this development is subject to Transportation SDC charges. Therefore any new dwellings will be required to pay a transportation SDC charge at the time when a building permit is issued (**Condition 6**). The standard is met.

### **Section 3.2.200 Landscape Conservation**

**Findings:** Significant vegetation (including vegetation on private property) shall be retained to the extent practicable to protect environmental values and to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the city may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Significant vegetation means street trees and plants that have a caliper of six inches or larger at four feet above grade.

The applicant is proposing to retain the significant conifers along the eastern frontage. Staff is recommending a waiver be obtained to defer roadway improvements in order to retain the trees on the eastern and southern frontage. The Planning Commission reviewed the potential options and recommends the roadway improvements be constructed as part of the development. The Planning Commission notes that having the developer construct the improvements now precludes any future uncertainty on if or who would have to pay for said improvements and when maintains consistency that frontage improvements be constructed at the time of development. One of the trees along the eastern frontage is lifting the street and is problematic. ~~The applicant shall coordinate with the Public Works Department to remove the problematic tree along parcel two, which will then be the location of the driveway to parcel 2~~ (**Condition 7**). The standard is met.

### **Section 3.2.300 Landscaping**

*Residential, Single-Family. All front yards (exclusive of access ways and other permitted intrusions) are required to be landscaped with one tree at least six feet in height (two-inch minimum caliper) and two five-gallon shrubs or accent plants per 1,000 square feet of required yard area with the remaining area to be treated with an attractive ground cover*

**Findings:** Front yard landscaping meeting development code standards shall be provided for the new dwellings within 6 months of occupancy (**Condition 8**).

### **Section 3.2.400 Street Trees**

*Street trees shall be planted in all new subdivisions and any project classified as a major project.*

**Findings:** Street trees exist along the sites frontage with Schemmel Land and are proposed to be retained. The Planning Commission is recommending the trees be removed. If the

trees are removed new street trees will be added at the time of new home construction as required by the SDC.

### **Section 3.3.300 Automobile Parking Standards**

*Single Family Dwelling, 2 spaces per dwelling unit provided on-street parking is available. If on-street parking is not available, then each unit must provide 3 spaces.*

**Findings:** On-street parking is available. Therefore, 2 off-street parking spaces shall be provided for each dwelling and 3 off-street parking spaces shall be provided to the duplex (**Condition 9**). As conditioned, the standard is met.

### **Section 3.4.100 Transportation Standards**

*A.1 All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street, except as specifically allowed through a Planned Development approval under Chapter 4.5 or as provided for flag lots under Chapter 4.3 Land Divisions*

**Findings:** Schemmel Lane is a local street under City jurisdiction. Each lot has adequate frontage and has been conditioned construct roadway improvements. The standard is met.

### **Section 3.4.300 Sanitary Sewers, Water, Street Lights and Fire Protection.**

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

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

**Findings:** Sanitary sewer exists along the sites frontage with Schemmel Lane. New dwellings shall connect to the sanitary sewer mainline in conformance with Public Works Design Standards (**Condition 10**).

Any new dwellings will have to pay all applicable sanitary sewer SDC fees when building permits are issued (**Condition 11**).

A water main exists along the sites frontage of Schemmel Lane. Water service connections can be made to this water line. New dwellings shall connect to the water mainline in conformance with Public Works Design Standards. Meter boxes shall be installed 1 foot off the property line in accordance with City standards (**Condition 12**). Applicant shall contact the Fire Department to verify fire flow conditions and meet all applicable Fire District standards (**Condition 13**)

Any new dwellings will have to pay all applicable water SDC fees when building permits are issued (**Condition 14**).

**Section 3.4.400 Storm Drainage and Erosion Control**

**Findings:** Storm Sewer exists within Schemmel Lane. The applicant shall extend the storm system to the west down Schemmel Lane in accordance with Public Works Design Standards (**Condition 15**). In accordance with SMC 13.70.110 this development is not exempt from storm SDC charges. Any new dwellings will be required to pay a stormwater SDC charge at the time when a building permit is issued (**Condition 16**). The standard is met.

**Section 3.4.500 Sidewalks**

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

**Findings:** Sidewalks have been conditioned to be constructed. The standard is met.

**Section 3.4.600 Utilities**

*All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and similar facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high-capacity electric lines operating at 50,000 volts or above, subject to review and approval by the public works director.*

**Findings:** All utilities to the project shall be underground services. No overhead crossings of public right of way shall be approved by the city (**Condition 17**). Exceptions to the undergrounding requirement may be granted by the public works director due to physical constraints, such as steep topography, sensitive lands or existing development conditions that make undergrounding impractical.

**Section 3.4.700 Construction Plan Approval and Assurances**

*No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.*

**Findings:** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements (**Condition 18**).

**Section 3.4.800 Installation**

*Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.*

**Findings:** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of

the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest (Condition 19).

### **Section 3.4.900 Easements**

*The developer is responsible for making arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.*

**Findings:** The applicant shall dedicate a 10' wide public utility easement along all street right-of-ways (Condition 20).

- 2. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions already approved for adjoining property or to provide for logical extension to future properties as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

**Findings:** No new streets are proposed as part of this partition. The street system is already in place in the surrounding area. The standard met.

- 3. If any part of the site is located within an, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.*

**Findings:** The subject property is not location within an Overlay Zone. The standard is not applicable.

- 4. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;*

**Findings:** No federal or State permits are required as part of this development. The standard is met.

- 5. Evidence that improvements or conditions required by the City, road authority, County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

**Findings:** All improvements and conditions required by the City have been determined to be feasible. Any improvements have been condition to be constructed to City Standards.

- 6. If applicable, all proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat and appropriate Covenants, Conditions and Restrictions (CC&Rs) are provided; and*

**Findings:** No common areas or improvements are proposed as part of this development.

**B. Layout and Design of Streets, Blocks and Lots.** *All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:*



1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 2), and the standards of Section 3.4.100.G - Street Connectivity and Formation of Blocks.*

**Findings:** Section 3.4.100.G of the SDC is applicable only to subdivisions. Any development of the parcels will be required to meet all applicable setbacks. Considering the size of parcels it has been determined feasible that a single family home meeting all applicable setbacks can be constructed on the sites. Criterion 1 is met because the proposed parcels meet lot area and dimensional requirements for the R-1 zone.

2. *Setbacks shall be as required by the applicable land use district (Article 2).*

**Findings:** As noted above all setbacks are met and it has been determined feasible that a single family home meeting all applicable setbacks can be constructed on both parcels.

3. *Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.*

**Findings:** The intent of Chapter 3.1 is to manage vehicular access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system. This standard was addressed earlier in the report.

As this is a single-family detached development, the pedestrian access and circulation standards are not applicable. Based on the above listed findings the proposal conforms to the applicable standards of Chapter 3.1 therefore meeting Criterion 3.

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Districts, and Chapter 3.2 - Landscaping.*

**Findings:** The development has been conditioned to meet landscaping standards.

5. *In conformance with the International Fire Code, a 12-foot wide paved fire apparatus access drive within a 20-foot fire apparatus lane shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or other approved access drive. See also, Chapter 3.1- Access and Circulation.*

**Findings:** The development plan indicates all dwellings are to be located within 150' from a public right-of-way, therefore Criterion 5 is met.

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

**Findings:** No common drives are proposed.

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

**Findings:** Any new development has been conditioned to install public utilities meeting City standards; this includes, but is not limited to, new water and sanitary sewer services.

**C. Open Space and Park Dedication.** Requirements for open space and/or park dedication, as provided in Section 3.4.200 (Public Use Areas) and Section 4.3.110.J (Flood Plain, Park, and Open Space Dedication), are met.

**Findings:** Open space and/or park dedication or payment is required for new development that results in the creation of new residential dwelling units. Any new development will have to pay all applicable park SDC fees during the building permit process (**Condition 21**).

#### **Section 4.3.170 Public Improvements Required**

*Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.180. Temporary public facilities will not be allowed.*

**Findings:** The City will review the final plat as a Type I procedure and will not grant approval unless all require conditions are met. The final plat shall be submitted within three years of the approval of the preliminary plat (**Condition 22**).

#### **Section 4.3.180 Performance Guarantee**

*On all projects where public improvements are required, the City shall require the developer or subdivider to provide bonding or other performance guarantees acceptable to the Public Works Director to ensure completion of required public improvements. The bond or other assurance (e.g. letter of irrevocable credit) shall be equal to 110% of the of the total construction cost estimate for all public infrastructure to be provided, as approved by the Public Works Director, or designee. In addition, the construction cost estimate must either be an engineer's estimate, in writing, or a copy of the contractor's price agreement having sufficient detail for the Public Works Director, or designee, to verify reasonable unit pricing.*

**Findings:** A performance guarantee in accordance with section 4.3.180 will be required prior to issuance of any Public Works permits (**Condition 23**).

### **III. SUMMARY AND CONCLUSION**

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

The Planning Commission held a public hearing to evaluate the proposed annexation, lot line adjustment, and partition and recommends the City Council approve the application.

Once the City Council receives Planning Commission's recommendation on the annexation, lot line adjustment, and partition, 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 an application for legislative change, 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'

