

CITY OF SILVERTON
ORDINANCE
16-19

AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO DESIGNATE MARION COUNTY ASSESSOR'S MAP AND TAXLOT 061W34CB 01700 SINGLE FAMILY RESIDENTIAL AND ANNEXING THE 24.53 ACRE PARCEL INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL; MARION COUNTY ASSESSOR'S MAP 061W34CB TAX LOT 01700

WHEREAS, an application was submitted by WesTrend Homes, LLC requesting a comprehensive plan map amendment to change the designation of Marion County Assessor's Map and Taxlot 061W34CB 01700 from Industrial to Single Family Residential with a concurrent request to annex the 24.53 acre property into the City Limits and zone the property R-1, Single Family Residential; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on October 11, 2016 to consider the proposed comprehensive plan amendment and annexation, allowed testimony, and reviewed the application; and

WHEREAS, following public testimony, the Planning Commission deliberated and voted to recommend the City Council approve the proposed comprehensive plan map amendment and annexation; and

WHEREAS, a Public Hearing before the City Council was held on November 7, 2016 to consider CP-16-02 & AN-16-03. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission.; and

WHEREAS, the area proposed for annexation is described as follows:

Beginning 40 chains West and 20.24 chains South of the Northeast corner of the Donation Land Claim of Leander S. Davis and wife, in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 19.76 chains; thence East 6.895 chains; thence North 24.00 chains, passing the West end of Middle or Center Street in Phelps's Addition to Silverton, to the Northeast corner of the tract of land sold to Kittil Funrue, said point being 80 feet Southeasterly from the center of the Southern Pacific Railway Company track; thence South 60 West 7.975 chains to the place of beginning; ALSO, Beginning at a point which is the intersection of the West boundary of a tract of land deeded by Leander S. Davis to John Cary, March 1, 1885, with the South side of the Southern Pacific Railway Company right of way; thence South on the said West boundary 21.88 chains, more or less, to a point due East of the Southeast corner of a tract of land conveyed by Mary Davis (widow) to Forest Davis and Grant Davis on July 14, 1883; thence West 13.25 chains to the last said Southeast corner; thence North on the line of the said Forrest and Grant Davis tract 14.13 chains, more or less, to the South side

of the aforesaid right of way of the Southern Pacific Railway Company; thence North 59 30' East along the said right of way to the place of beginning.

SAVE AND EXCEPT: Beginning at the Southeast corner of a tract of land conveyed by Mary Davis, a widow to Forrest Davis and Grant Davis by deed dated July 14, 1883, and recorded August 9, 1883, in Volume 31, page 224, Deed Records for Marion County, Oregon; thence South 89 33' East along the South line of Adnie Tokstad tract a distance of 449.3 feet to an iron pipe; thence North parallel with the East line of said Davis tract to the Southerly line of the Southern Pacific Railway Company right of way; thence South 59 30' West along said Southerly right of way line to the East line of said Davis tract of land; thence South along said East line of said Davis tract a distance of 835.49 feet, more or less, to the point of beginning, being a tract of land containing 10 acres, more or less and being a part of the Leander S. Davis Donation Land Claim, in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon.

ALSO SAVE AND EXCEPT: Beginning at a point which is South 89 33' East 449.3 feet from the Southeast corner of a tract of land conveyed by Mary Davis to Forrest Davis and Grant Davis by deed recorded August 9, 1883, in Volume 321 Page 224, Deed Records of Marion County, Oregon; thence South 89 33' East 114.49 feet to an iron pipe; thence North 1175.63 feet to the South line of the Southern Pacific Railroad; thence South 59 30' West along the South line of said railroad 132.87 feet to an iron pipe; at the Northeast corner of the land conveyed to A.M. Minden and Emma Minden, by deed recorded in Volume 351, page 123, Deed Records for Marion County, Oregon; thence South 1107.3 feet to the place of beginning.

ALSO SAVE AND EXCEPT: Beginning at a point on the Southerly right of way line of the southern Pacific Railroad Company which is 141.8 feet South 59 23' West measured along said Southerly right of way line, from a point of intersection of the extended center line of a 30 foot roadway described in Volume 296, Page 47, Deed Records for Marion County, Oregon, extended Southerly to said Southerly right of way line, said point of intersection being 40 chains West and 1280.8 feet South from the Northeast corner of the Leander S. Davis Donation Land Claim in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, and running thence North 89 39' East from the point of beginning, 186.6 feet; thence North 82 23' East 202.6 feet; thence North 203.6 feet to said Southerly right of way line of the S.P.R.R. Co.; thence South 59 23' West, along said Southerly line 450.25 feet to the point of beginning, and containing 0.96 acres of land, more or less; excepting therefrom an existing 50 foot road running along and parallel to said Southerly railroad right of way line.

ALSO SAVE AND EXCEPT: Beginning at an iron pipe which is 1593.90 feet South 00 12' East and 595.32 feet South 82 10' West and 1613.04 feet North 89 46' West and 186.50 feet North 00 34' West and 60.00 feet South 89 26' West from the Northeast corner of the Leander Davis Donation Land Claim No. 46 in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence South 89 26' West 270.78 feet to an iron pipe; thence North 00 34' West 149.28 feet to an iron pipe in the Southerly line of that certain tract of land conveyed to Leon J. Schiedler and

Donna I. Schiedler by deed recorded in Volume 565, Page 284, Marion County Deed Records; thence North 83 18' East along the Southerly line of said Schiedler Tract, 147.67 feet to an iron pipe at the Southeast corner thereof; thence North 89 26' East 123.96 feet to an iron pipe which is 60.00 feet South 89 26' West from the East line of the certain tract of land conveyed to Laura B. Tokstad by deed recorded in Volume 465, page 672, Marion County Deed Records; thence South 00 34' East parallel with and 60.00 feet Westerly of the East line of said Tokstad Tract, 165.06 feet to the point of beginning.

ALSO SAVE AND EXCEPT: That part of the Leander Davis Donation Land Claim No. 46 in Township 6 South, Range 1 West of the Willamette Meridian in Maion County, Oregon, which comprises 0.51 Acres, more or less, and is bound by the following; Beginning at a 1 inch pipe which is 1593.90 feet South 00 12' East and 595.32 feet South 82 10' West and 1613.04 feet North 89 46' West and 186.50 feet North 00 34' West 60.00 feet South 89 26' West and 165.01 feet North 00 34' 45" West from the Northeast corner of said Claim No. 46; thence South 89 26' 00" West, on the North line of land described in Reel 270, page 1501, Marion County Deed Records, 123.98 feet to a 1 inch pipe; thence North 00 04' 10" East, on the East line of land described in Volume 780, page 833, said deed records, 145.50 feet to the Southerly right of way line of Market Road No. 47A (also Rail Way); thence North 59 28' 22" East, on the said Southerly right of way line, 141.18 feet; thence South 00 34' 45" East, on an extension of the East line of said land described in Reel 270, 216.00 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 November 7, 2016, 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 December 7, 2016.

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 24.53 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).
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 December 7, 2016.

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 7th day of November, 2016.



Mayor, City of Silverton
Rick Lewis

ATTEST



City Manager/Recorder, City of Silverton
Bob Willoughby

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: CP-16-02 & AN-16-03

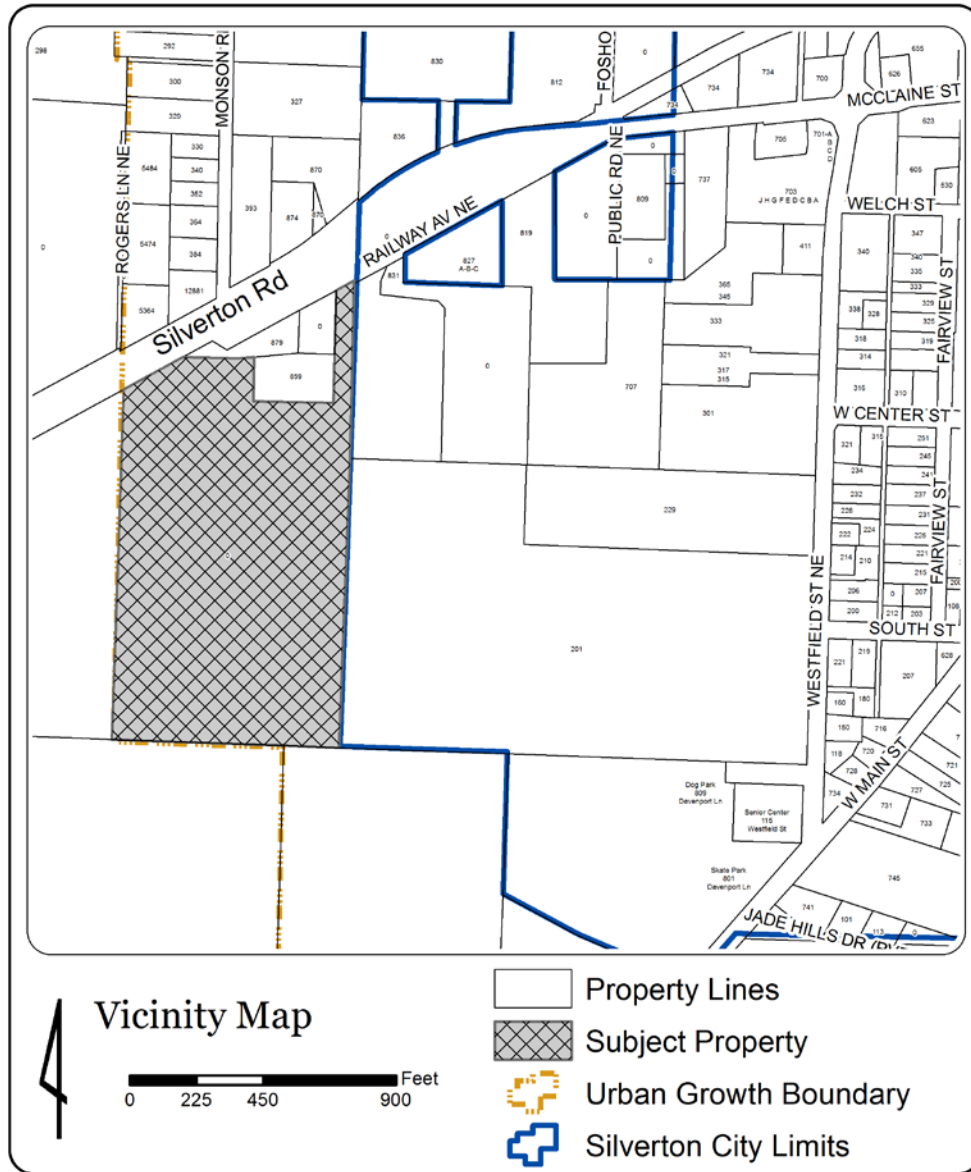
Vicinity Map and Surrounding Land Use Districts

North – UT-5, Urban Transition – 5 Acre

East – LI, Light Industrial & P, Public

South – UT-5, Urban Transition – 5 Acre & EFU, Exclusive Farm Use

West – C, Commercial



CRITERIA FOR APPROVAL:

Silverton Development Code: Section 4.12.400 Review criteria. Amendments to the Comprehensive Plan will be approved if the council finds that the applicant has shown that the following applicable criteria are met

The requested designation for a quasi-judicial map amendment meets all of the following tests:

1. The requested designation for the site has been evaluated against relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation.
2. The requested designation is consistent with any relevant area plans adopted by the city council.
3. The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.
4. An identified public need will be met by the proposed change that is not already met by other available property.
5. The requested designation is consistent with the statewide planning goals.

Silverton Development Code: Section 4.10.140: When reviewing a proposed annexation of land, the planning commission and city council will consider the following standards and criteria; the applicant shall bear the burden of proof.

- A. Adequacy of access to the site; and
- B. Conformity of the proposal with the city's comprehensive plan; and
- C. 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
- D. 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
- E. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
- F. 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
- G. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
- H. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and
- I. Shall be in compliance with applicable sections of ORS Chapter 222; and
- J. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed; and

- K. 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
- L. 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.

ATTACHMENT B: APPLICANT'S FINDINGS

See Attached.