

CITY OF SILVERTON
ORDINANCE
16-16

AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 9.775 ACRES OF LAND LOCATED AT 608 NORTH JAMES 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 061W27AD TAX LOT 00700

WHEREAS, the City of Silverton has been petitioned for the annexation of 9.775 acres of land located at 608 North James 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 061W27AD Tax Lot 00700; and

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

Beginning at a 1/2" iron pipe on the North right of way of Jefferson Street, being 32.48 feet North 37° 33' 30" East of a Marion County Brass Cap in a monument box marking the intersection of Jefferson and James Streets, Located in the Southeast 1/4 of Section 27, Township 6 South, Range 1 West, of the Willamette Meridian, City of Silverton, Marion County, Oregon;

Thence along the North right of way of Jefferson Street North 89° 03' 36" East 498.63 feet to a point on the West right of way of the Union Pacific Railroad;

Thence along said right of way North 11° 09' 12" West 1,087.35 feet to a 1/2" iron pipe;

Thence South 89° 26' 00" West 296.66 feet to a point on the East right of way of James Street;

Thence along said right of way South 00° 27' 00" East 1,027.09 feet to the point of beginning and containing 9.775 acres more or less.

NOW, 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 September 12, 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 November 3, 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 9.775 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 November 3, 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.

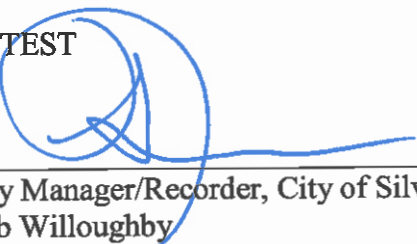
Section 10: **Zone designation.** Upon annexation the property shall have a City of Silverton zoning designation of **R-1 (Single Family Residential)**.

Ordinance adopted by the City Council of the City of Silverton, this 3rd day of October, 2016.



Mayor, City of Silverton
Rick Lewis

ATTEST

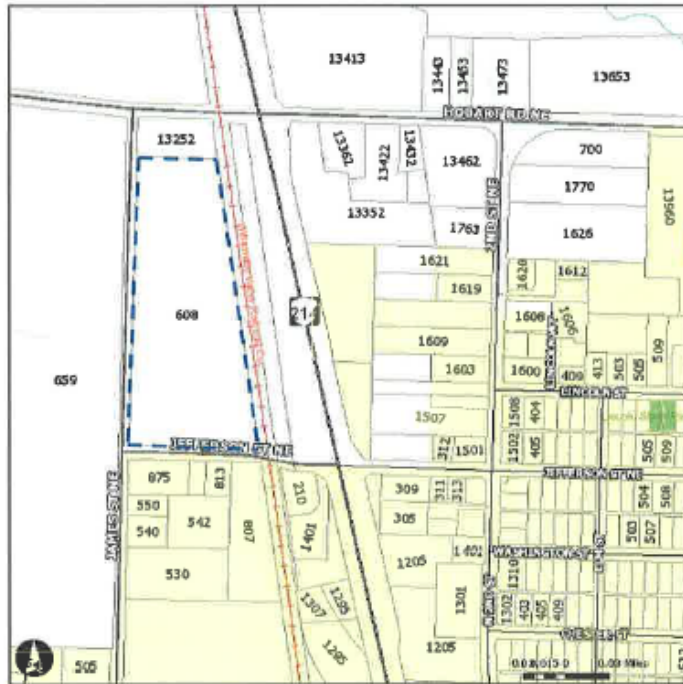


City Manager/Recorder, City of Silverton
Bob Willoughby

ATTACHMENT B: APPLICANT'S FINDINGS

James Street-Minor Annexation

Proposal: The applicant is proposing to annex 9.51 acres of land into the City of Silverton. The property is addressed as 608 N. James Avenue and identified as 061W27DA and 061W27AD/Tax Lot 700.



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; the applicant shall bear the burden of proof.

A. Adequacy of access to the site; and

Applicant Findings- The subject property is located on the east side of James Street and the north side of Jefferson Street. At the time of development, access to the site will be determined. However, both James Street and Jefferson Street can provide adequate access to the site. Prior to the development of the site, the applicant will work with City staff to determine the safest and most adequate access points for the site. Therefore, this criterion will be met.

B. Conformity of the proposal with the city's comprehensive plan; and

Applicant Findings- The Comprehensive Plan designation is Single Family Residential. The proposal is to develop single family lots on the subject property. The proposed City of Silverton zoning designation of R-1 is consistent with the Comprehensive Plan designation and zoning of adjacent properties. The proposal is to develop a single family subdivision which is consistent with the R-1 zoning designation.

The subject property has been designated for residential use, yet it has never been fully developed. This proposal allows the property owner greater flexibility in the long-term improvement of the property. Since this property borders residential areas, it is logical to extend those residential areas into this site. A positive finding can be made that the Marion County current land designation is ready to be changed from UT to City of Silverton R-1.

The intent and purpose of the R-1 zone are to allow development of single-family homes on individual lots which are provided with urban services at low urban density. These areas are designated Single Family Residential in the Comprehensive Plan. Thus, the proposal to annex and develop the site as a single family subdivision meets the intent and purpose of the zone code and implements the Comprehensive Plan designation.

Therefore, this criterion has been met.

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

Applicant Finding- The City of Silverton has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities and public utility easements. The major transportation network is in place. The Silverton Fire District will provide fire and emergency medical services to the site. Extension of facilities necessary to serve the subject property will be made to the Public Works Department specifications. The developer is responsible for the cost of extension of these facilities. Upon acceptance by the City of Silverton's Public Works Director, developed facilities will be conveyed to the City for applicable right-of-way dedication or easements. Future development review will identify internal facilities needed to serve individual lots or structures.

The transportation system surrounding the property is already in place. James Street bounds the property on the west side and is regulated by Marion County. The portion of James Street abutting the property will be annexed also. Jefferson Street bounds the property to the south. Prior to development of the site street improvements will be determined.

The proposal to annex will accommodate pedestrian, bicycle and vehicle access; accommodate population growth and facilities and services. City codes and ordinances encourage the development of passed-over or underutilized land such as the subject territory to promote the efficient use of residential land.

The school district will review and assess any impact to existing facilities at the subdivision review stage. Therefore, this criterion has been met.

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

Applicant Findings- The City has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities and public utility easements. Development is subject to applicable City growth management developments standards which determine major public linking facilities needed to serve the site. The major transportation network is in place. Internal development of public facilities necessary to serve individual lots will occur at the subdivision review stage or development. Upon acceptance by the City Public Works Director, developed facilities will be conveyed to the City for applicable right-of-way dedication or easements. The subject property is bounded on the east by the Willamette Valley Railroad, James Street on the west, and Jefferson Street on the south.

Upon annexation, fire and public safety services will be provided by the City of Silverton. Extension of water facilities necessary to provide fire service is required to be made to the Public Works Department specifications upon development. Improved streets and addressing facilitates public safety access. The developer is responsible for the cost of extension of improved facilities.

The Silverton School District currently serves the site and will continue to do so upon annexation. The School District will review and assess any impact to existing facilities at the development stage.

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

Applicant Findings- The territory to be annexed is contiguous to the City limits along its south boundary.

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

Applicant Findings- The territory to be annexed is within the Silverton Urban Growth Boundary and is available for annexation and urbanization. The property is designated Single Family Residential in the Comprehensive Plan. The subject property is zoned UT (Urban Transition) in Marion County.

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

Applicant Findings- The Comprehensive Plan designation is Single Family Residential. The proposal is to develop single family lots on the subject property. The proposed City of Silverton zoning designation of R-1 is consistent with the Comprehensive Plan designation and zoning of adjacent properties. The proposal is to develop a single family subdivision which is consistent with the R-1 zoning designation.

The subject property has been designated for residential use, yet it has never been fully developed. This proposal allows the property owner greater flexibility in the long-term improvement of the property. Since this property borders residential areas, it is logical to extend those residential areas into this site.

A positive finding can be made that the Marion County current land designation is ready to be changed from UT to City of Silverton R-1.

The intent and purpose of the R-1 zone are to allow development of single-family homes on individual lots which are provided with urban services at low urban density. These areas are designated Single Family Residential in the Comprehensive Plan. Thus, the proposal to annex and develop the site as a single family subdivision meets the intent and purpose of the zone code and implements the Comprehensive Plan designation.

Therefore, this criterion has been met.

H. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and

Applicant Findings-

(1) Urbanization Goal:

The subject property is within the Urban Growth Boundary and is located in an urbanizing area of Silverton. The proposal will add approximately 10 acres to the City limits and residential land inventory. The territory is located in an area planned for future single-family residential development. To continue to meet the current demand of housing additional developable lands are needed to be annexed to meet future housing needs over the next several years. Annexing the subject properties will provide the needed land inventory envisioned in the comprehensive plan for future growth to maintain an adequate supply of housing in a logical and orderly manner. The proposal provides for orderly growth of the City limits and once developed, public and private services will be available to the residents of the annexed territory. No new service districts are proposed. The Urban Growth Boundary is not proposed for expansion. The developer is responsible for providing facilities to serve the site at urban densities.

The developing residential area has access to schools, waste collection and disposal, commercial services, and recreation areas. As such, it is considered available for urban development consistent with plans for the provision of urban facilities and services.

The Comprehensive Plan permits urban development in urban reserve areas if public facilities and services are available. There are major water and sewer facilities available that can be extended or connected to as development occurs. Police, fire and applicable park services can be provided via the increase in property taxes as a result of annexation and urban development. Development will provide the necessary storm drainage facilities.

(2) Housing Goal:

The proposal to annex will allow future residential development. Housing development will be consistent with development standards and growth policies to blend into the overall fabric of the Silverton urban area. The location, density, and style of housing are governed by the zoning code. Single family density is limited to approximately five dwelling units per acre.

Providing for a range of housing choices for all segments of the population is consistent with this Goal, and increasing housing opportunities is consistent with the increase in population. In addition, increasing residential density at appropriate locations is in keeping with the Plan policies. The change in the housing

density designation from rural acreage minimums to urban densities will allow for a specific type of development that will be designed to accommodate the needs of citizens. The proposal conforms with the directives of this Goal to maintain adequate housing opportunities for all residents of the community.

The proposal for residential development provides for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment (Statewide Land Use Goal 10).

(3) Transportation Goal:

The transportation system will be designed to promote all modes of transportation and dispersal rather than concentrations of through traffic. Through traffic is addressed by siting street improvements and road networks that serve the new development so that short trips can be made without driving. The transportation system will be designed to provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect the population and employment centers in the Silverton urban area, as well as provide access to other local neighborhood residential, shopping, schools, and other activity centers.

Prior to development of the site, the applicant will be required to submit a subdivision application. The subdivision development process will identify and address any facilities needed to implement the State's Transportation Planning Rule, any adopted transportation plans and access codes of the City of Silverton. All development of the subject property after annexation will conform to minimum standards.

(4) Economy Goal:

Redevelopment of the underdeveloped territory will provide an economic boost to the City in terms of increased property taxes and goods and services needed during the construction phases of development. An increase in population will benefit the local economy. Building trade employment may be a short-term boost. The additions of residences will provide new customers for businesses in the downtown core of the city.

No commercial or industrial development is proposed. However, the resulting residential development will be close to community shopping and service facilities. The proposal does not eliminate any industrially designated or zoned land within the City limits or Urban Growth Boundary.

(5) Natural Hazards Goal:

The property does not have any significant nature areas or hazards on the property. Street grades, topography of the site and building sites will be reviewed for compliance to maximum code requirements prior to development. If required, engineered studies will be done to assure stable building pads for building permit applications thus, meeting the SCP's Natural Hazards Goal and Statewide Goal 7.

There are no flood way or flood plain areas on the site that needs to be considered. Natural drainage and run off due to development will be addressed during the subdivision development process. The Division of State Lands is notified of a proposed development if there are jurisdictional wetlands or hydric soils on the site during the development process.

(6) Open Space, Natural and Cultural Resources Goal:

There are no identified mineral resources, fish or wildlife habitats, significant natural or wilderness areas within the territory to be annexed. The property is currently used for farming.

There are no significant historic sites, fish-bearing waterways, scenic views, aggregate or mineral resources on or adjacent to the subject property that would be impacted by increased residential development. Thus, the proposal does not negatively impact Statewide Land Use Goal 5.

(7) Air, Water, and Land Resources Quality Goal:

Development is required to meet applicable State and Federal requirements for air and water quality. There is no proposal to create large industrial waste or hazardous waste sites, large paved parking lots, or otherwise disrupt the environment other than minimally needed to develop the site at urban densities with urban facilities. Development at urban densities is required to connect to local water and sewer systems. The subdivision code regulates tree identification, removal, street trees and natural features of the site.

The effect of this development on air quality in the area will not be significant.

Wastewater will be discharged into the city sewer system, and surface water runoff will be collected and removed by the storm drainage system. The City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality. Through the use of these public facilities water resources will be protected.

Through the use of these public facilities water resources will be protected. Domestic water will be supplied by the City water system, and there will be no withdrawal of subsurface groundwater resources. The proposal conforms to Statewide Goal 6.

(8) Energy Goal:

Annexation permits development of the subject property that continues to provide for the orderly and economic extension of public facilities and services. Adequate land area is added that provides for housing types and location in an area that is or will be served by improved public facilities. Adding land to the city limits helps to maintain an adequate supply of serviced or serviceable undeveloped land to meet the market demand for a variety of uses.

The existing transportation network surrounding the subject property is in place. Connections to the transportation network that seek to rely on a reduction of automobile trips and encourage pedestrian travel help to promote energy conservation. The establishment of the transportation system within the subdivision will provide efficient and convenient linkages for both motorized and non-motorized forms of transportation.

Up-to-date building construction codes provide for energy-saving devices and conservation.

The Comprehensive plan identifies the need for public education, incentive and enforcement programs that encourage lower energy consumption costs.

Development of the site at urban low residential densities includes the installation of private facilities to meet the energy needs of the consumer.

(9) Public Facilities and Services Goal:

The City of Silverton provides and maintains services and facilities for the health, safety and welfare of residents within the community, including park facilities. The school district provides public education facilities.

The City has also identified and planned for facilities for wastewater treatment, water service and storm water runoff facilities. Water and sewer connections can be made to the property without any significant extensions because the facilities stub to the property. The necessary connections to bring water and sewer and storm drainage service to the area will be reviewed and developed as part of the subdivision review process.

(10) Citizen Involvement Goal:

Citizen involvement is provided via the City of Silverton public hearing process necessary for the annexation, which allows public comment. This application will be reviewed according to the public review process established by the City of Silverton. The City's Plan is acknowledged to be in compliance with this Goal. The public hearing process is implemented by a City Council public hearing on the matter with written notification to property owners. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process. Further public review is provided by the review process of a subdivision application and applicable appeals process.

In addition, the Comprehensive Plan and its implementing ordinances are adopted by the City through the public hearing process of the City Council ordinance procedure.

The Statewide Planning Goals are implemented by the adopted goals and policies of the Silverton Area Comprehensive Plan and its implementing ordinances and facility plans. The proposal accommodates the Statewide Goals by being located within an adopted Urban Growth Boundary.

Therefore, this criterion has been met.

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

Applicant Findings- The territory to be annexed is contiguous to the City limits along its south boundary.

Therefore, this criterion has been met.

J. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed; and

Applicant Findings- There are no flood way or flood plain areas on the site that needs to be considered. Natural drainage and run off due to development will be addressed during the subdivision development process. The Division of State Lands is notified of a proposed development if there are jurisdictional wetlands or hydric soils on the site during the development process.

Therefore, this criterion has been met.

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

Applicant Findings- There is no identified mineral resources, fish or wildlife habitats, significant natural or wilderness areas within the territory to be annexed. The property is currently used for farming.

There are no significant historic sites, fish-bearing waterways, and scenic views, aggregate or mineral resources on or adjacent to the subject property that would be impacted by increased residential development.

Therefore, this criterion has been met.

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.

Applicant Findings- Redevelopment of the underdeveloped territory will provide an economic boost to the City in terms of increased property taxes and goods and services needed during the construction phases of development. An increase in population will benefit the local economy. Building trade employment may be a short-term boost. The additions of residences will provide new customers for businesses in the downtown core of the city.

Therefore, this criterion has been met.