

**CITY OF SILVERTON**  
**ORDINANCE**  
**16-11**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 4.87 ACRES OF LAND LOCATED AT 4466 IKE MOONEY ROAD INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL, MARION COUNTY ASSESSOR'S MAP 071W01C TAX LOT 02100**

**WHEREAS**, the City of Silverton has been petitioned for the annexation of 4.87 acres of land located at 4466 Ike Mooney Road into the City Limits of the City of Silverton, Oregon and zoning the property R-1, Single Family Residential. Marion County Assessor's Map 071W01C Tax Lot 02100; and

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

Beginning at a point which is South 59 47' 15" East 309.53' and North 34 58' 35" East 115.42' from a 5/8" inch by 30 inch iron rod with a yellow plastic cap stamped "Barker PLS 636" at a point on the right-of-way line of Ike Mooney Road marking the most westerly Northwest corner of a tract of land conveyed to Granada Land Co. by deed recorded in Reel 2011, Page 64, Deed Records for Marion County Oregon which points bears South 56 00' 05" East 871.09 feet from the Quarter Corner on the West line of Section 1 Township 7 South, Range 1 West of the Willamette Meridian.

Thence South 54 59' 35" East 160.86'

Thence South 13 55' 50" West 418.68'

Thence South 69 09' 30" East 345.95'

Thence North 35 08' 15" East 407.57'

Thence North 54 59' 35" West 647.58'

Thence South 35 07' 15" West 101.50 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 on July 11, 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 August 31, 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 4.87 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 August 31, 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)**.

Section 11: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 1<sup>st</sup> day of August, 2016.

  
\_\_\_\_\_  
Mayor, City of Silverton  
Rick Lewis

ATTEST

  
\_\_\_\_\_  
City Manager/Recorder, City of Silverton  
Bob Willoughby



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

---

## STAFF REPORT

---

**PROCEDURE TYPE** IV

**FILE NUMBER:** AN-16-01

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

**PROPERTY DESCRIPTION:**  
**ASSESSOR MAP#:** 071W01C  
**LOTS #:** 02100  
**SITE SIZE:** 4.87 ACRES  
**ADDRESS:** 4466 IKE MOONEY DRIVE

**PROPOSED DEVELOPMENT ACTION:** ANNEXATION APPLICATION TO ANNEX 4466 IKE MOONEY ROAD INTO THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS 4.87 ACRES IN SIZE AND IS LOCATED AT THE SOUTHERN TERMINUS OF TRAVIS DRIVE.

DATE: JUNE 27, 2016

**APPLICANT:**  
ALLEN AND NOELIA FLUX  
4466 IKE MOONEY ROAD  
SILVERTON, OR 97381

**PROPERTY OWNER:**  
ALLEN AND NOELIA FLUX  
4466 IKE MOONEY ROAD  
SILVERTON, OR 97381

**LOCATION:** LOCATED AT THE SOUTHERN  
TERMINUS OF TRAVIS DRIVE.  
\_\_\_\_\_  
\_\_\_\_\_

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

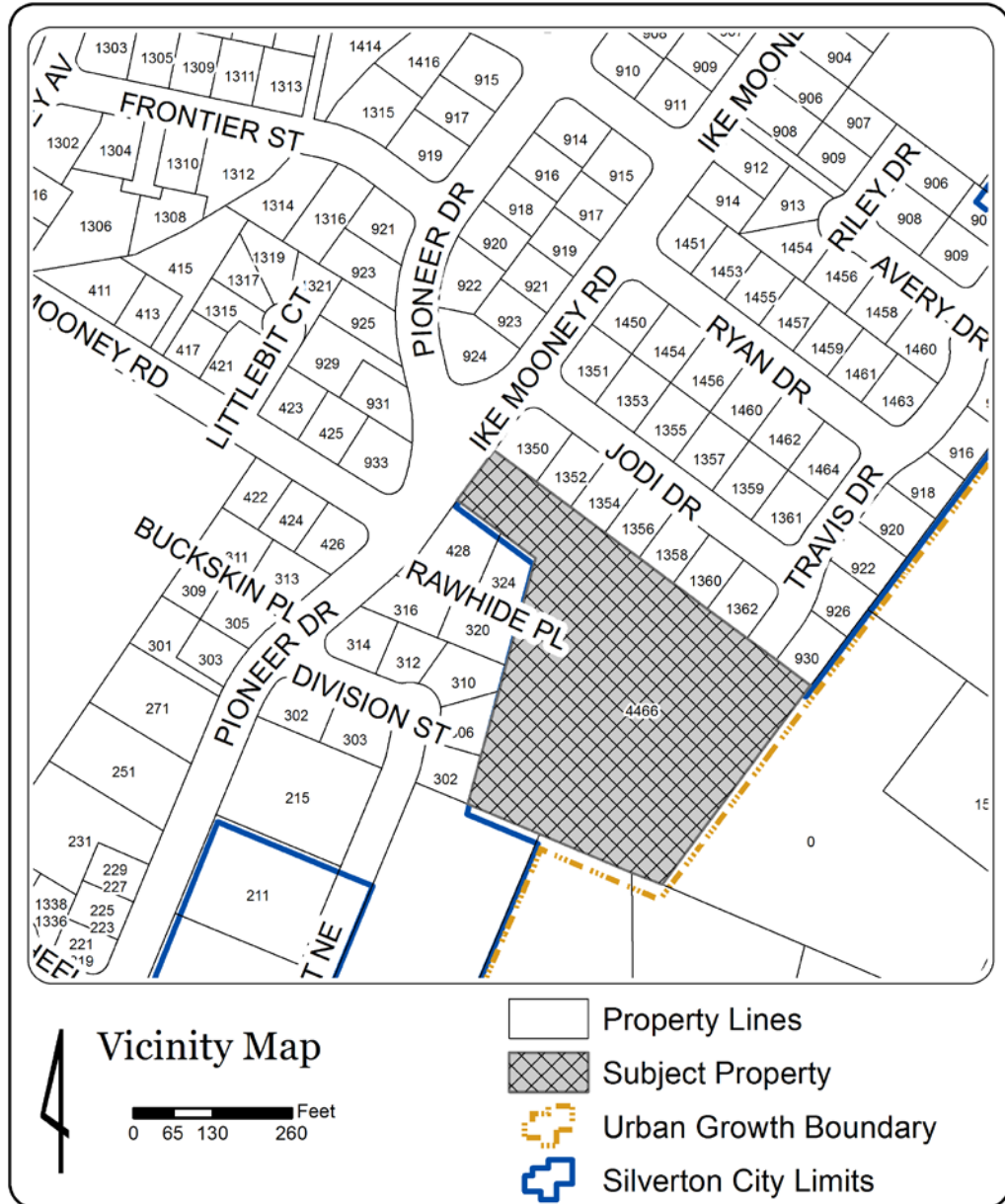
# ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

## Case File: AN-16-01

Vicinity Map and Surrounding Land Use Districts

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

Exhibit B to Ordinance No. 16-11



**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 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
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; 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.

## ATTACHMENT B: APPLICANT'S FINDINGS

### ANNEXATION NARRATIVE FOR 4466 IKE MOONEY RD, SILVERTON, OR

*Narrative: Annexation application for 4.87 acres located at 4466 Ike Mooney Rd, Silverton, OR. Feasibility Study was conducted by Frank Walker & Associates in 2013 and is being referenced throughout the narrative. This land sits within the Urban Growth Boundary, currently surrounded by developed residential neighborhoods to the North, West and South. The owners, Allen and Noelia Flux have been trying to sell this land for over 5 years but because of the annexation voting history in Silverton, developers have been reluctant to invest on this property. At this point, with the new annexation procedures there have been a number of interested developers. To facilitate the sale of this property, the owner has decided to apply for annexation for development of Single-family and Multi-family unit development on the land here in called a Plan Unit Development (PUD).*

#### Site Plan

The site plan being presented is only a conceptual plan for the proposed PUD. The owner does not have a developer for the property yet. Once a developer has been found, the developer will comply with the Items a-g providing clear and detailed plans for this proposed site.

a. The location of Existing Structures:

Are shown on the Existing Structure Map #1.

b. The location of existing streets, sanitary sewer storm drainage, water, electric and other utilities on or adjacent to the property to be annexed.

Are shown on the Sewer Mainline Map, Water Main Map, Storm Drain Map, and Improvement Map.

c. The location and direction of all existing water features on and abutting the subject property. Approximate location of areas subject to the inundation, storm water overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood as shown.

The property does not sit in a Flood Zone, there is no known standing water on this site. Reference: Water Mains Map, Storm Drain Map, Flood Map. The developer will provide detail information reference to measurements of existing and proposed systems.

## ANNEXATION NARRATIVE FOR 4466 IKE MOONEY RD, SILVERTON, OR

- d. Label and show the locations of all existing structures wells, septic tanks and drain fields, and distances between them and the existing property lines and each other. Indicate what is to be removed, moved and/or retained.

The owner is providing only a conceptual plan; the developer will provide detail information reference to measurements of existing and proposed systems.

- e. Existing natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, isolated preservable trees (trees with trunks over six inches in diameter as measured for feet above the ground), and significant areas of vegetation.

There are no marshes or wetlands, wooded areas in the proposed site. There are 40 trees with trunks over six inches in diameter. The developer will try to preserve these trees during the development stage.

- f. Label and show existing and proposed contour lines drawn at the following intervals:

- (1) One-foot intervals for ground slopes less than 5 percent
- (2) Two-foot intervals for ground slopes between five and ten percent
- (3) Five-foot intervals for ground slopes exceeding ten percent.

See Contour Map.

- g. General land use plan indicating the types and intensities of the proposed or potential development.

The owner applicant is submitting a conceptual PUD design. The developer will submit clear and detailed plans for the proposed site.

### Narrative

#### a: Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities.

The property is surrounded by a full complement of improvements that can easily be routed through the site and tied to existing system as shown on the Improvement map as well as the storm, water, and sewer maps. The residential development surrounding this property has provided a great benefit in reducing the cost associated with any necessary extensions of storm, water and sewer pumping stations.

The 8 inch water line is sufficient for looping back to Ike Mooney Road, thus meeting fire flow standards for urban densities.



## ANNEXATION NARRATIVE FOR 4466 IKE MOONEY RD, SILVERTON, OR

Travis Drive can be extended into and through the site to the east to provide access to yet undeveloped areas. A second cul-de-sac street could be completed with an emergency vehicle access lane following the existing driveway to Ike Mooney Road.

Ike Mooney Road and the surrounding neighborhood is highly developed with residential dwellings providing easy transportation and school facilities for families.

### **b: Statement of increased demand for such facilities to be generated by the proposed development.**

The City of Silverton Comprehensive Plan indicates a short fall in inventory for Multi-family housing and a lack of designate multi-family land. The low amount of Multi-family zoned land added to the city limits and lack of any land designated multi-family between the City limits and the Urban Growth Boundary, it can be concluded that Silverton continues to have a shortage of multi-family zoned land and/or affordable housing . The Plan Unit Development Design proposed for this land, allows for a sub-division with multi-family units and single family units, this provides for more diversity of house choices with potentially more affordable housing to be incorporated into this plan.

### **c: Statement of additional facilities, if any, required to meet the demand and any proposed phasing of such facilities in accordance with the projected demand.**

Annexation of the proposed site, would expand the city in a logical manner incorporating land within the Urban Growth Boundary. The current conceptual plan for this site allows for 16 to 18 multi-family units increasing the multi-family units available in the City of Silverton. The PUD design complements the City of Silverton Comprehensive Plan goals to create affordable housing in a diversity community development with single family and multi-family units, and park like settings in a neighborhood.

### **d: Statement outlining method an source of financing required to provide additional facilities, if any.**

It is the hope of the applicant that the City of Silverton would recognize the need of annexing land to increase the inventory for PUD's and multi-family housing. The applicant has heard from several developers seeking annexed land that allows for multi-family units. These developers recognize the need for affordable multi-family and single family housing in the City of Silverton and are seeking annexed land to make this feasible.

### **e: Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced.**

The conceptual Plan Unit Development Design proposed for the 4.87 acres on 4466 Ike Mooney Rd, includes 18 Multi-family units (Duplexes) and 6 single family units. It also

## ANNEXATION NARRATIVE FOR 4466 IKE MOONEY RD, SILVERTON, OR

incorporates a neighborhood park like setting with playground, wooded area, and a pedestrian walkway and bicycle trail. The surrounding areas to the North, West and South of the proposed site are fully developed residential land providing readily available Improvements for this proposed land development.

**f: Statement potential physical aesthetic, and related social effects of the potentially proposed development on the community as a whole on the small sub-community or neighborhood of which it will become a part and proposed actions to mitigate such negative effects, if any.**

The 4.87 acres on 4466 Ike Mooney Road currently sits undeveloped and does not add value to the surrounding neighborhoods. At times, neighbors and city employees have complained reference the Scotch Broom weed being spread into their backyards. The property, unfortunately, as undeveloped is not cohesive to the Ike Mooney community and does not provide attractive aesthetic or social effects for the neighborhood. The property does not encompass the vision of the beautifully designed homes in the surrounding neighborhoods. The annexation and development of this land would bring increased value to surrounding homes, enhance the neighborhood aesthetically and socially, as well as benefit the City of Silverton by incorporating PUD sub-divisions and multi-family units. The development of beautiful affordable single resident homes and duplexes along with the neighborhood park like setting with walking and bicycle trails and wooded areas, would be a welcomed site to the neighbors.

**g. Statement Indicating the type and nature of any comprehensive plan text or map amendments that may be required to complete proposed development.**

The annexation application is being submitted by the owner in hopes that a developer will more readily purchase and develop this land. The developer will submit a final comprehensive plan once it completes their due diligence of the land and the potential housing units.

**In addition, explain how does the proposed annexation meet each and all of the following review criteria in sufficient detail for review and decision-making:**

**1. Adequacy of access to the site.**

The site currently has access to Ike Mooney Rd through a private road, this road would be developed into a two-lane road. It is proposed that Travis Rd could be extended into the site and flow through to meet Ike Mooney Rd. It may also be beneficial to allow Travis Rd to go through the site to the east to provide access to yet undeveloped areas.

## **ANNEXATION NARRATIVE FOR 4466 IKE MOONEY RD, SILVERTON, OR**

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

The City of Silverton's Comprehensive Plan addresses the need to encourage PUD's, mixed use housing as a means for broadening housing choices and creating sustainable neighborhoods. It aims to provide opportunities for the development of attached and detached single-family and multi-family dwellings such as duplexes. It further encourages the use of flexible lot sizes and building placement and density transfers to reduce development costs, make efficient use of land and promote housing variety and affordability. The proposed conceptual PUD design for the site at 4466 Ike Mooney Rd, conforms distinctly with the City of Silverton's Comprehensive Plan, in the above mentioned ways and much more.

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

The Ike Mooney neighborhood is well developed and provides adequate public facilities, services, and transportation networks which are already in place. Minimal extensions or upgrading of any improvements are necessary to serve the area, and those necessary to implement will be consistent with the City's infrastructure plans and will be implemented orderly and efficiently.

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

The improvement map shows the unique advantage of easily accessible public services next to the proposed site and the conceptual design map shows the proposed way to route the extension of these services. The 8 inch water line is sufficient for looping back to Ike Mooney Road, thus meeting fire flow standards for urban densities. The emergency evacuation routes have already been established in this high populated residential area.

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

The proposed site at 4466 Ike Mooney Rd is surrounded by already developed residential homes to the North, West and South. It is part of the Urban Growth Boundary area and is a logical direction for the city to expand.

## ANNEXATION NARRATIVE FOR 4466 IKE MOONEY RD, SILVERTON, OR

**6. The area is within the urban growth boundary, unless a health hazard due to failed septic systems or ground water supplies is found to exist.**

The proposed site is within the Urban Growth Boundary area. There is no known failed septic systems or hazardous water supplies in this land.

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

The proposed site has a conceptual plan for a PUD, zoned R-1 Sub division.

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

The proposed site encompasses, goals of the City of Silverton Comprehensive Plan in allowing for more PUD's and multi-family units, providing the opportunity for diverse neighborhood developments allowing for single-family and multi-family units in the same sub-division. It also provides choice of homes and potentially more affordable housing. It further incorporates the design to increase park like settings with pedestrian walkways and bicycle trails.

**9. Shall be in compliance with sections ORS Chapter 222**

The proposed development site will be in compliance with ORS Chapter 222.

**10. Natural hazards identified by the city, such as wetlands, flood plains and steep slopes have been addressed.**

There are no known wetlands, or flood plains in the proposed development site. The site does have a steep topographic barrier with 34% slopes which would all but prevent development of 20% of the site. This identify 20% of the area is proposed to be an open space, with wooded area, park like settings, with pedestrian walkways and bicycle trails. Because of this, the site is ideally situated for a PUD which could include a substantial "open space" network with a variety of lot sizes and housing types.

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

The proposed site has not been identified as having historic or natural resource value, or being a significant scenic area.

## ANNEXATION NARRATIVE FOR 4466 IKE MOONEY RD, SILVERTON, OR

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

The development of this proposed site would have the opposite effect, providing cohesiveness with the City of Silverton's Comprehensive plan, a higher financial value for the neighborhood, and enhancing the social effects of the community by providing a park like setting in this PUD and a welcomed aesthetic outcome. There are no known adverse results from the development of this proposed site.

## APPLICANT STATEMENT

April 27, 2016

We come before you to request an annexation of the property at 4466 Ike Mooney Road. We purchased this property in March, 1994, we loved the views and country living, dreaming of our retirement on this land. We never imagined that the properties around us would bloom into residential development. We are now fully surrounded by development. We now look out from our home to find views of homes all around us and as close as sixty feet along one side of our property. Our home has lost the original charm of country living, which was why we purchased this property originally. Though we recognize that the property has lost market value we need the opportunity to sell our property so that we can financially afford to purchase our retirement home in the country.

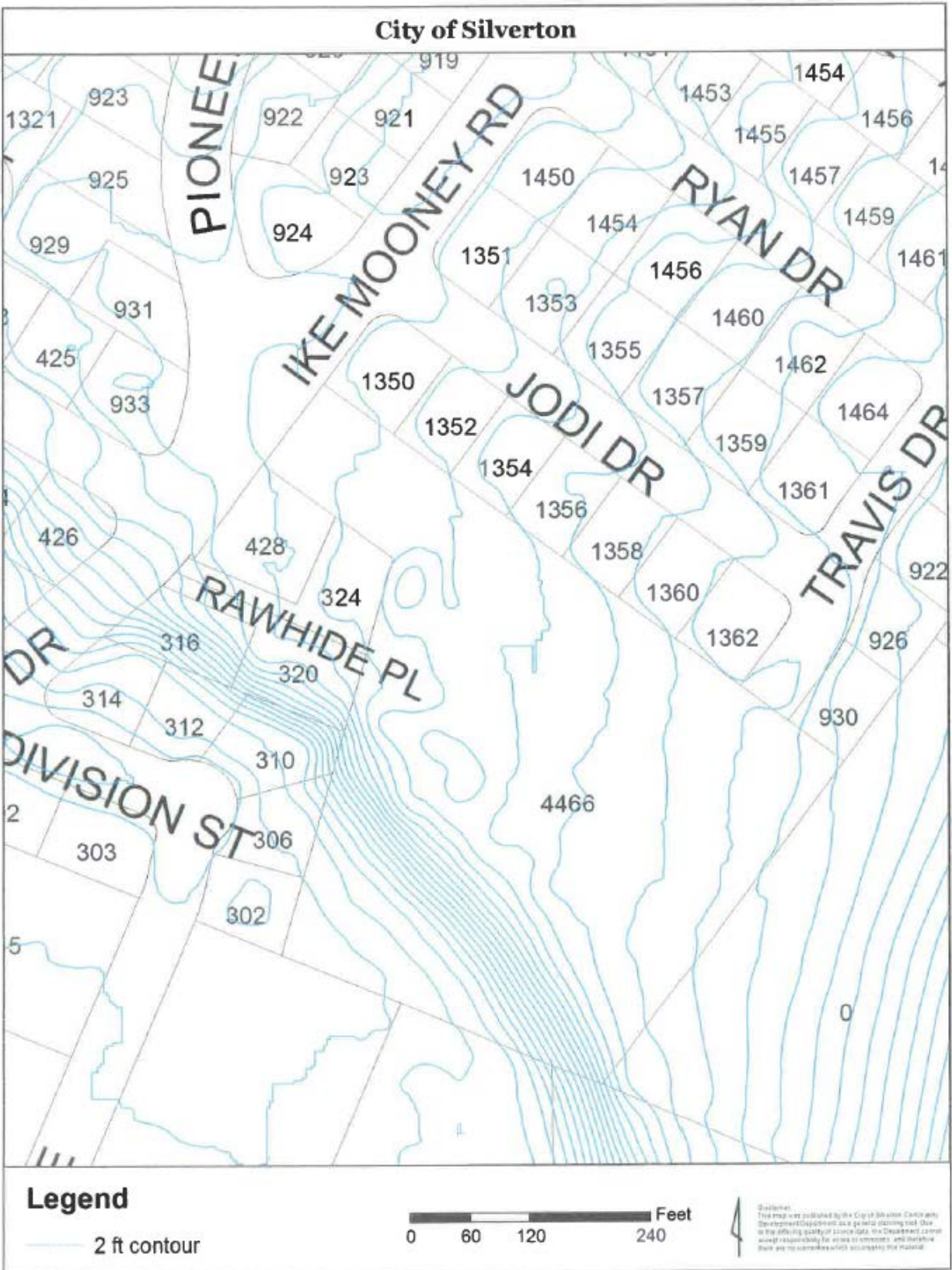
We understand the City of Silverton's concern about annexation. Unfortunately we are victims of development, which was approved around our property. We strongly feel that the development of our property will contribute positively to the neighborhood, creating cohesiveness and completeness to the neighborhood. Currently the property stands out like an island in a sea of residential homes. The current undeveloped site, does not contribute to the cohesive goals of the City of Silverton.

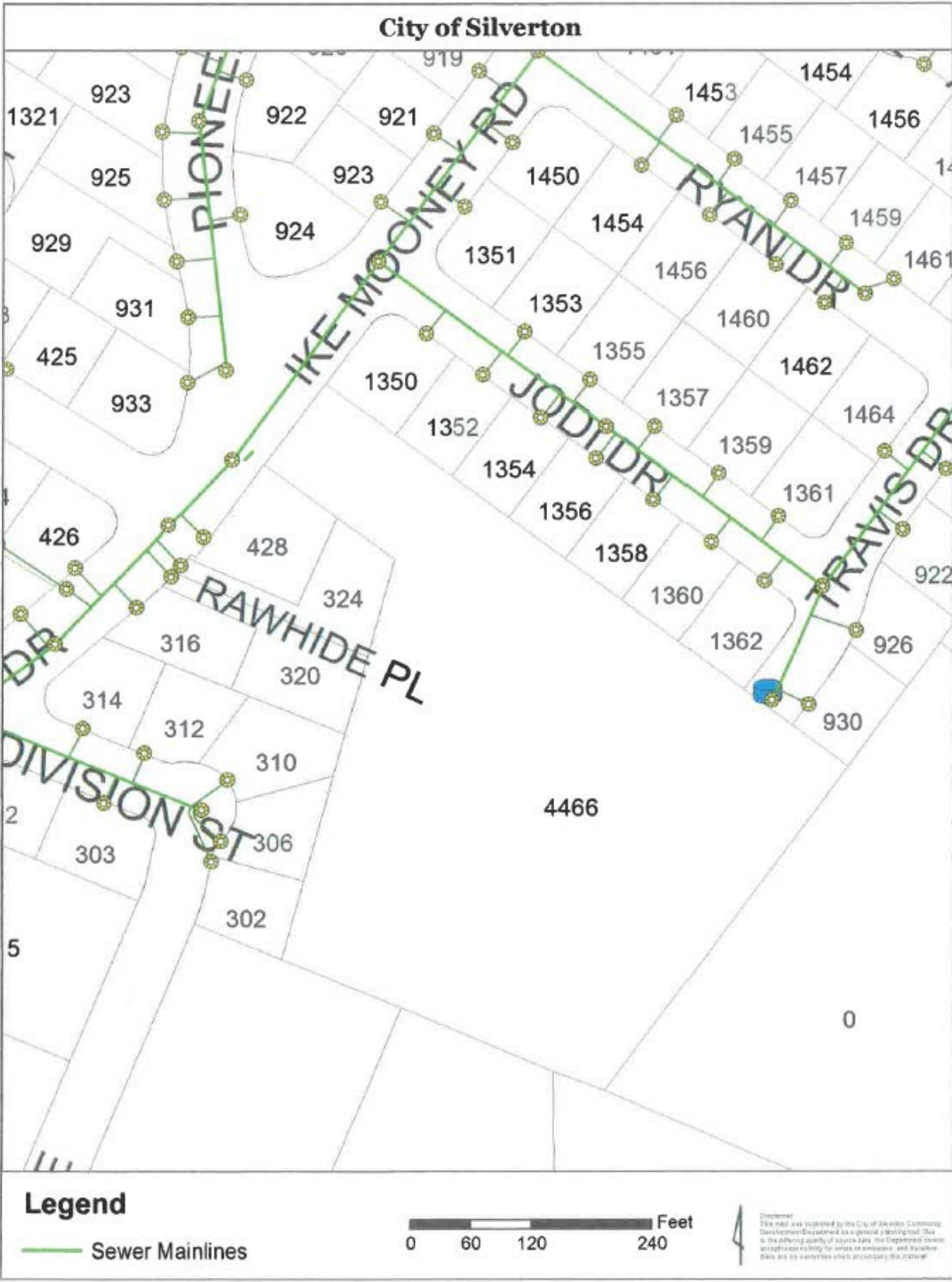
Our property is currently zoned R2, Urban Transition – 5 Acres Minimum, we are seeking approval to annex this property to R-1 single or multiple family residential. There are developers interested in the property but shy away due to the property not being annexed. We would like to get the city's approval for annexation of this property. By getting approval for the annexing, we can attract developers that could contribute positively to this neighborhood, whether it be a Plan Unit Development sub division, 55 and over community development of Accessible Homes or development of Green Homes. We would like to be able to contribute positively to the City of Silverton, which has been our home for over twenty-two years.

Thank you for your consideration!

Allen & Noelia Flux

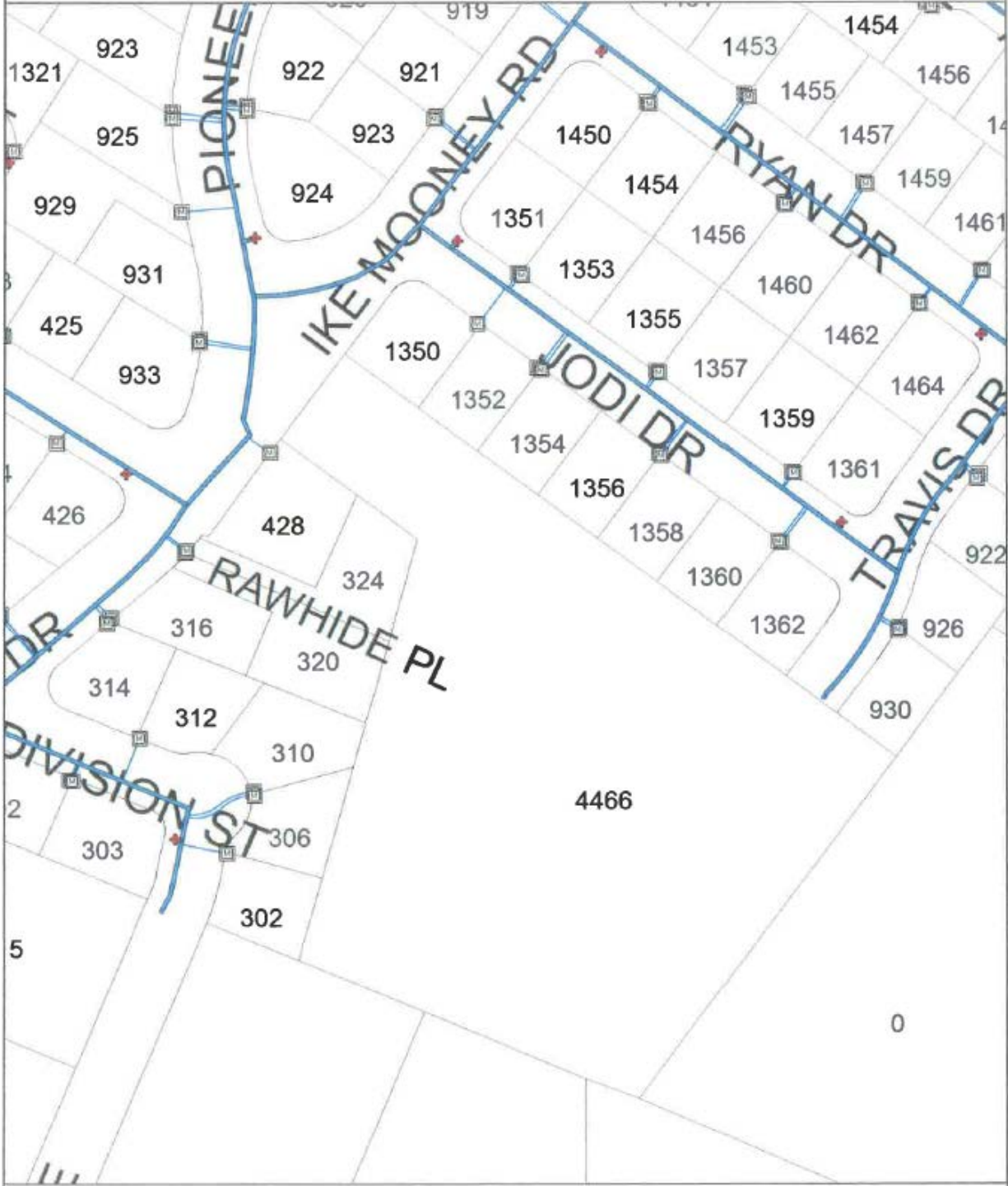






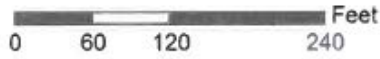


City of Silverton

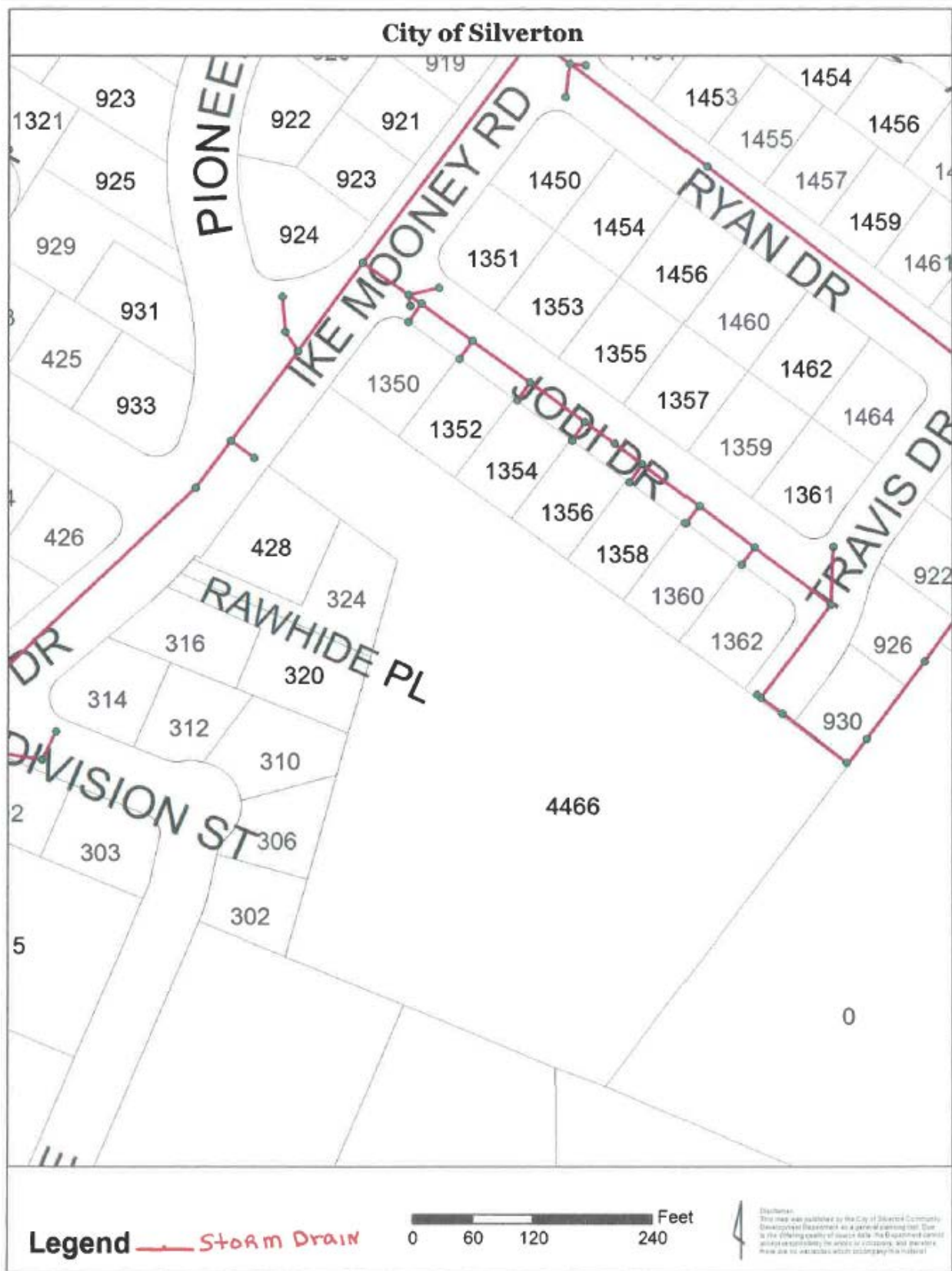


**Legend**

— Distribution Water Mains



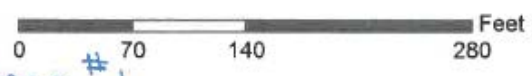
Disclaimer:  
This map was published by the City of Silverton Community Development Department as a general planning tool. Due to the differing quality of source data, the Department cannot accept responsibility for errors or omissions, and the user must refer to all materials which accompany this material.



# City of Silverton



Existing Structures #1



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



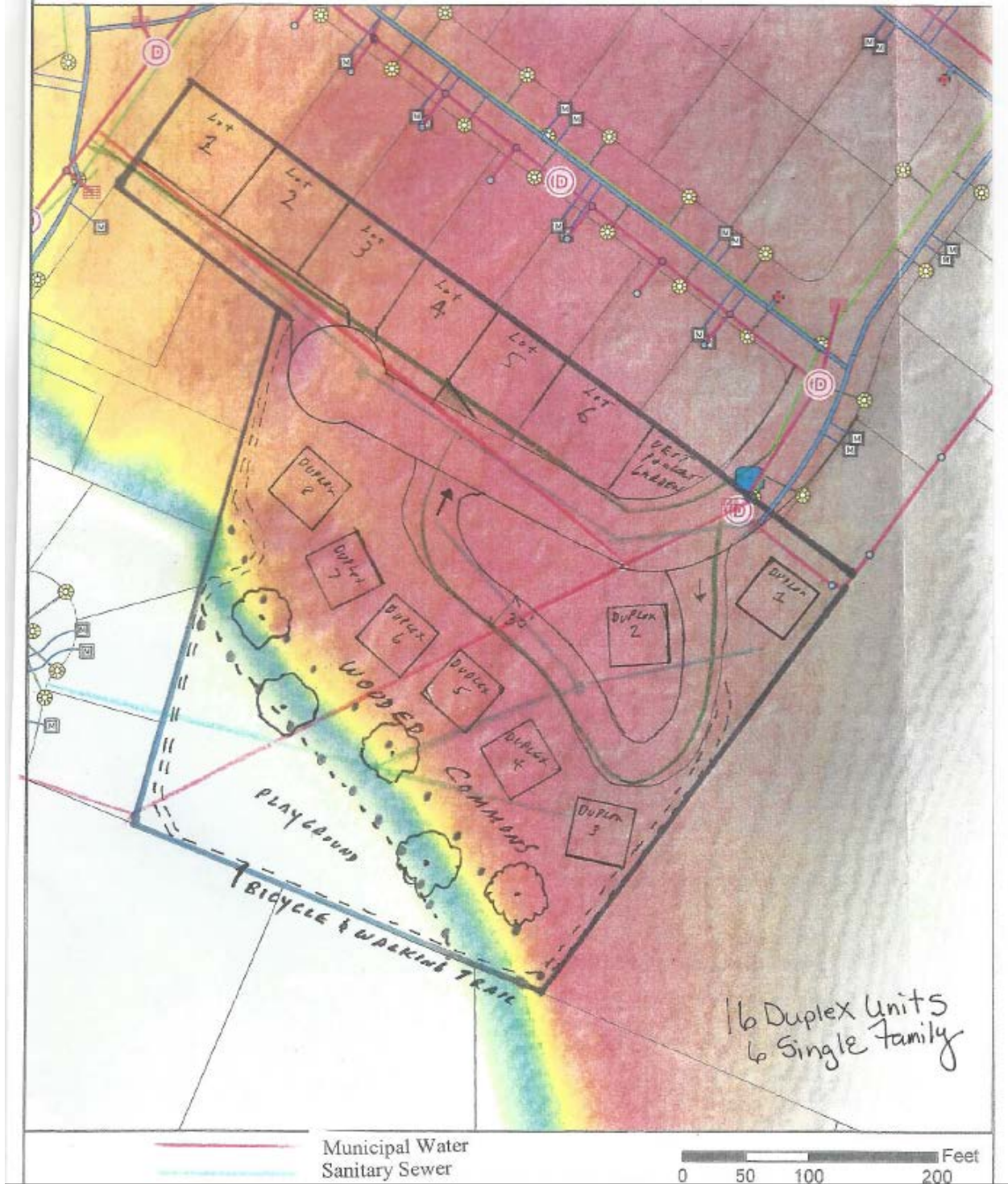
**City of Silverton**



Existing Structures #2

**Disclaimer:**  
This map was published by the City of Silverton Community Development Department as a general planning tool. Due to the differing quality of source data, the Department cannot accept responsibility for errors of omission and commission. Maps are no warranty which accompanies this material.

City of Silverton







# **ATTACHMENT C: CONDITIONS OF APPROVAL**

# ATTACHMENT D: STAFF REPORT, AN-16-01

## FINDINGS OF FACT

### A. Background Information:

1. The applicant submitted an application on April 30, 2016 requesting annexation of 4.87 acres of land that is outside the City Limits and inside the Urban Growth Boundary.
2. Notice was mailed to all property owners within 700 feet of the subject area on May 25, 2016. As of this writing, June 7, 2016 no written testimony has been received. The notice was published in the Silverton Appeal on June 1, 2016. The site posted on June 3, 2016.
3. The Planning Commission met in a duly advertised meeting on June 14, 2016 to consider the application. After review, the Planning Commission voted unanimously to recommend the Council approve the annexation.

### B. Silverton Development Code (SDC):

#### 1. Article 4 – Administration of Land Use and Development

##### Section 4.1.500

##### Type IV Procedure

*A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications*

**Findings:** This application is being reviewed through a Type IV procedure. The applicant submitted an application on April 30, 2016, meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on May 25, 2016. The notice was published in the Silverton Appeal on June 1, 2016. The site posted on June 3, 2016. The application was before the Planning Commission June 14, 2016 and will be before the City Council July 11, 2016.

Unless mandated by state law, annexation, delayed annexations, and/or extension of city services may only be approved by a majority vote among the electorate. On March 15, 2016, the State enacted SB 1573 that states that the legislative body of a city shall annex a territory petitioning annexation without submitting the proposal to the electors of the city if the territory is within the Urban Growth Boundary, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city limits and the proposal conforms to all other requirements of the city's ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation. This staff report will review the proposal for conformity with all other requirements of the city's ordinances.



## Section 4.10.140

## Review Criteria – Annexation

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

*1. Adequacy of access to the site; and*

**Findings:** The site is located at the southern terminus of Travis Drive. Travis Drive was stubbed to the site to provide future access. The site also has frontage on Pioneer Drive near the intersection with Ike Mooney Road. The existing house currently has driveway access off Ike Mooney Road. Given the intersection spacing of Pioneer Drive and Ike Mooney Road, it is not anticipated that another road would be permitted to connect to Pioneer Drive via the site's frontage with Pioneer Drive. The only access to the site would then be from Travis Drive. The site is 4.87 acres in size and is proposed to be zoned R-1. The R-1 zoning district has a density range of 2-6 dwellings per acre. This creates a density range from 10 – 29 dwelling units allowed on the site. Typically, developments of one or two family dwellings where the number of dwellings units exceeds 30 shall be provided with at least two fire apparatus access roads. The site's maximum dwelling potential is 29 dwelling units. The site can develop within the allowable density range with one access. Criterion 1 is met.

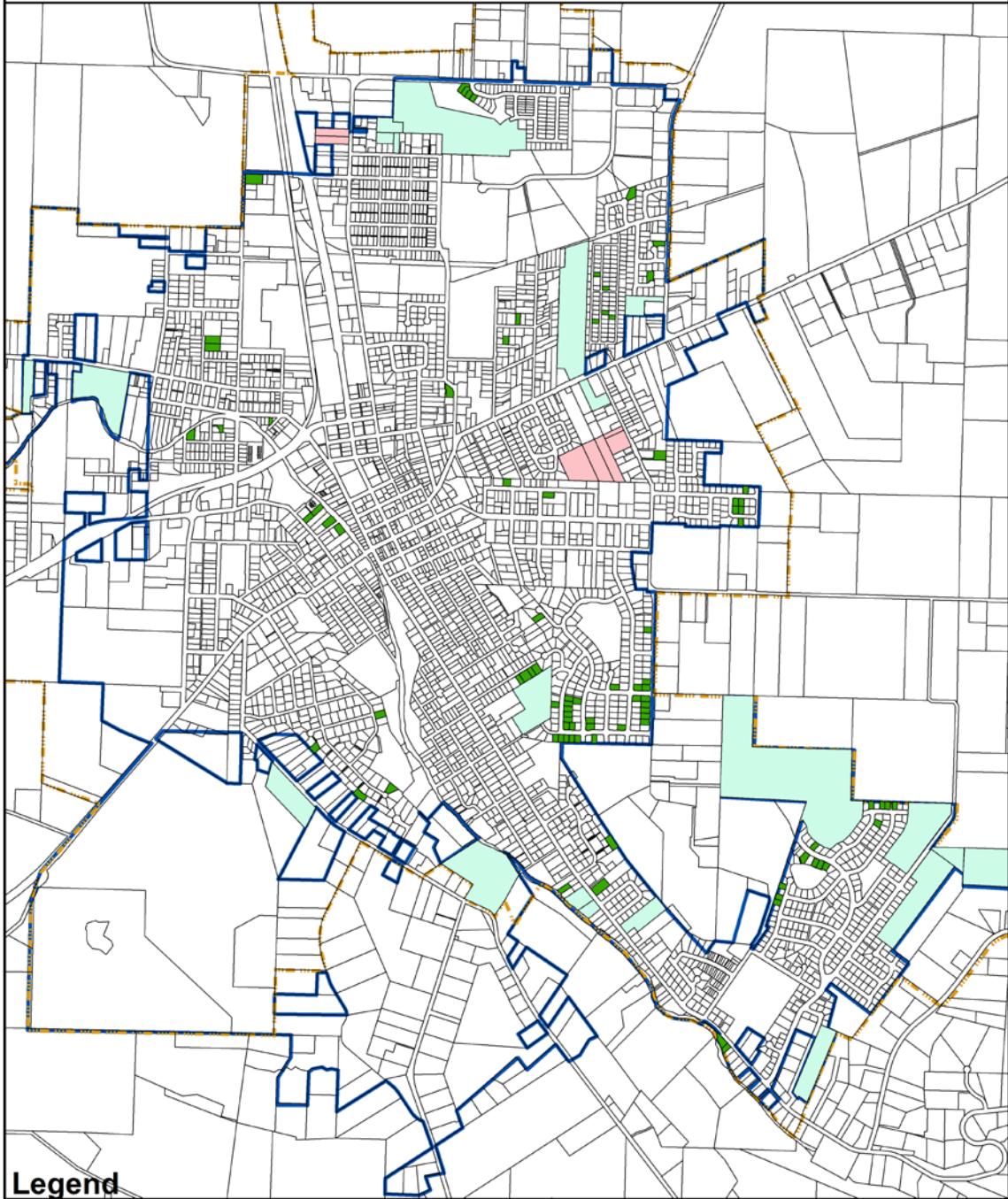
*2. Conformity of the proposal with the City's Comprehensive Plan; and;*

**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. The purpose of the annexation is for the site to develop as a Residential Subdivision or Planned Unit Development. A Subdivision or Planned Unit Development application would have to be submitted for review by the Planning Commission for conformance with Development Code standards in a Public Hearing prior to any develop occurring on the site. A conceptual site plan has been submitted to illustrate what may occur on the site, but a separate review would be required. This review does not approve the site plan, nor does it restrict the site to develop to that 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 regulations to maintain community livability and ensure efficient use of land.

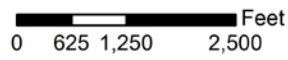
The City's 20 year population projection for a 2035 population is 15,532, as adopted in the City's Water Master Plan and Storm Water Master Plan. Based on a 2015 population of 9,590, an average growth rate of 2.44% would reach a population of 15,532 by 2035. A recent buildable lots inventory compiled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

# City of Silverton



## Legend

- In Process - 48
- Developable
- Shovel Ready - 90



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

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

The Goal of the Air, Water and Land Resources Quality seeks to “Maintain and improve the quality of the area’s air, water, and land resources.” The area proposed for annexation is developed with an existing single family home on a septic system. Any further development of the site would require the removal of the septic system and connection to the City’s sanitary sewer facilities. As such, this annexation and subsequent connection to the City’s water system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

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

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

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

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

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

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

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

**Findings:** The property is requesting annexation in order to develop to urban densities. There are no identified Master Plan projects identified to serve the site. The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site. Each of the utilities is the standard size for residential development. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve a proposed development. Adequate public facilities exist to serve the site and no upgrades are necessary; thereby meeting Criterion 3.

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

**Findings:** The property is requesting annexation in order to develop to urban densities. There are no identified Master Plan projects identified to serve the site. The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site. Each of the utilities is the standard size for residential development. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve a proposed development. Therefore Criterion 4 is met.

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

**Findings:** The area is contiguous to the City. The site abuts the City Limits along the northern and western property line, 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 proposed area for annexation is proposed to be developed with a single family dwellings or a Planning Unit Development. 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. A section of the adjacent tract has slopes between 15-30% and will be subject to the Hillside Overlay District. Any future development will have to comply with the applicable Hillside standards. Natural hazards of the site have been addressed. The criterion is met.

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

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

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

**Findings:** The annexation will add additional developable land to the City Limits. This will add approximately 18 more homes to the tax rolls. After development, this will add approximately 3,727,120 of assessed value, equating to annual taxes to the City of Silverton of \$13,530. The median household income in Silverton is \$53,929, representing an additional \$970,722 in household income within the City. This will create a population

increase of 48 people. The development will increase the impact to the water, sewer, transportation, storm sewer and parks system. As such, System Development Charges will be applicable to each new dwelling. In total, a new house pays \$20,231 in SDC's for their impact on public facilities. 18 additional homes will equate to approximately \$364,158 in total SDC's. There is a Silver Falls School District excise tax on new homes in Silverton that is \$1 per square foot of living area, which will generate an additional \$32,400 for the school district.

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

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

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

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

Staff 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.

The Silverton Planning Commission recommends the City Council approve the annexation and zone the property R-1, Single Family Residential.

## **ATTACHMENT C: TESTIMONY**

No Written Testimony Received.