

CITY OF SILVERTON
ORDINANCE
22-05

AN ORDINANCE OF THE SILVERTON CITY COUNCIL DENYING AN ANNEXATION APPLICATION REQUEST TO ANNEX 13722 EDISON HEIGHTS LANE NE INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONE THE PROPERTY AR, ACERAGE RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 071W11B TAX LOT 00600.

WHEREAS, the City of Silverton has been petitioned to annex 13722 Edison Heights Lane NE into the City Limits of the City of Silverton, Oregon and zone the property AR, Acreage Residential. Marion County Assessor's Map 071W11B Tax Lot 00600; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on July 12, 2022 to consider the application, applicable criteria, and evidence and testimony received into the record and recommended the City Council approve the application; and

WHEREAS, after proper legal notice, a Public Hearing before the City Council was held on August 1, 2022 to consider AN-22-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it, including the recommendation of the Planning Commission. The City Council left the record open and continued the hearing to the September 12, 2022 City Council meeting.

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

Section 1: The City Council finds that the annexation request does not meet the applicable review criteria and therefore the annexation application request to annex 13722 Edison Heights Lane NE into the city limits and zone the property AR, Acreage Residential is denied.

Section 2: In support of its decision, the City Council adopts the findings contained in "Exhibit A".

Section 3: A full copy of the staff report and findings of fact can be found in file AN-22-01, located in the Community Development Department at City Hall.

Section 4: This ordinance is and shall be effective within 30 days its passage.

Ordinance adopted by the City Council of the City of Silverton, this 12th day of September 2022.

Mayor, City of Silverton
Kyle Palmer

ATTEST:

City Manager/Recorder, City of Silverton
Ron Chandler

EXHIBIT 'A'

AN-22-01

1. The applicant submitted an application on June 1, 2022 requesting annexation of 13722 Edison Heights Lane NE, a 1.7 acre parcel of land that is outside the City Limits and Urban Growth Boundary. The annexation request is to allow the dwelling to connect to city water due to a failed well.
2. The site is currently developed with a single family home.
3. Notice was mailed to all property owners within 700 feet of the site on June 22, 2022. The notice was published in the Silverton Appeal on June 29, 2022. The site posted on July 1, 2022.
4. The Planning Commission reviewed the application at their July 12, 2022 meeting and recommended the Council approve the request.
5. The application was reviewed by the City Council on August 1, 2022 and was continued to the City Council meeting of September 12, 2022.
6. Annexations may be approved by a majority vote among the electorate. The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, parcels of land that are less than two (2) acres in size, land that is being annexed for a public purpose, a parcel with limited potential, and for all other matters which the City Council determines that the public interest would not be served by undertaking the entire annexation process.

Staff and the Planning Commission recommend that Council adopt a statement of findings exempting this annexation from being required to be approved by a majority vote among the electorate and the Council agreed. This makes the City Council the decision body for the annexation.

7. The lot was created in 2001 via Marion County Partition File No. 00-20 and is a lawfully established lot of record.
8. 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 was constructed in 2003 to serve the area due to failing groundwater supply. The water system is already constructed and is available via easement to the site.
9. The property is requesting annexation to connect to the water system due to a failing well, making the annexation timely.
10. In order for the annexation to be approved the Council must find that the annexation is reasonable and that the public interest, present and future, will be best served by annexing the

property. In this case, the dwelling was constructed within the past year and did not go through the Silverton Land Use Review and Building Permit process that dwellings constructing in the City Limits go through. This review entails ensuring the dwelling is built per the Silverton Development Code and pays the applicable System Development Charges (SDC's). System Development Charges are one-time fees that cover the cost of the impact an additional dwelling has on public facilities. Having a newly constructed dwelling being annexed into the City Limits so near to the construction date has an adverse impact on the public interest both in the present and future in that it signals a method for dwellings that intend to be annexed into the City to utilize public facilities to avoid paying the cost of the impact of utilizing those public facilities. A potential method to remedy the adverse impact would be for dwelling to pay the applicable SDC's as if the dwelling were constructed inside the City Limits.

11. That the details of the case are maintained in Case File No. AN-22-01 which is filed in the Planning Department in City Hall and is open for public inspection.