

CITY OF SILVERTON
ORDINANCE
24-01

AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING A ZONE CHANGE TO ZONE 602 EUREKA AVENUE R-5, LOW DENSITY RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 071W03A TAX LOT 0600

WHEREAS, a Zone Change application was made by Charles Weathers (Orreo LLC) PO Box 2717 Salem OR 97308 to change the zoning of 602 Eureka Avenue from R-1, Single Family Residential to R-5, Low Density Residential; and

WHEREAS, the Planning Commission met in a duly advertised Public Hearing on November 14, 2023 to consider the proposed Zone Change, allowed testimony, reviewed the application; and

WHEREAS, following public testimony, the Planning Commission deliberated and recommends the City Council hold a public hearing to deny the proposed application (ZC-23-01); and

WHEREAS, after proper legal notice, a Public Hearing before the City Council was held on December 4, 2023, to consider ZC-23-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it.

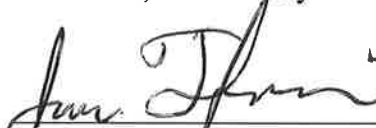
NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The City Council finds that the burden of proof for the zone change has been met and the request meets the applicable review criteria; therefore, the request to change the Zoning from R-1 to R-5 for the property is approved.

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

Section 3: This ordinance is and shall be effective within 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 22nd day of January 2024.



Mayor, City of Silverton
Jason Freilinger

ATTEST:



City Manager/Recorder, City of Silverton
Cory Misley

ZC-23-01

The City Council of the City of Silverton adopts the following findings:

1. The applicant submitted an application requesting a Zone Change to change the zoning of 602 Eureka Avenue (Marion County Assessor's Map 071W03A Taxlot 0600) from R-1, Single Family Residential to R-5, Low Density Residential.
2. The Planning Commission met in a duly advertised Public Hearing on November 14, 2023, to consider the proposed Zone Change, allowed testimony, and reviewed the application. Following public testimony, the Planning Commission deliberated and recommends the City Council hold a public hearing to deny the proposed application (ZC-23-01).
3. After proper legal notice, a Public Hearing before the City Council was held on December 4, 2023, to consider ZC-23-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed the application at the December 4, 2023, meeting and directed staff to prepare an Ordinance to approve the Zone Change request.
4. The applicant submitted an application on October 6, 2023. A public notice for this request was mailed to all property owners within 700 feet of the site on October 25, 2023. The notice was published in the Statesman Journal on November 1, 2023. The site posted on November 2, 2023. The application was reviewed by the Planning Commission November 14, 2023, and the City Council December 4, 2023. The City Council will take action on the application at the January 8, 2024, meeting.
5. The site has frontage on Eureka Avenue which is a Collector Roadway under Marion County jurisdiction. The site is designated Single Family Residential on the Comprehensive Plan and is zoned R-1, Single Family Residential. As shown on the Zoning Compatibility Matrix, the R-5 zone is a compatible zoning district with the Single-Family Comprehensive Plan Designation.
6. The R-5 Zone requires property to develop at densities ranging from five dwellings per acre to not more than 10 dwellings per acre. The R-1 Zone requires property to develop at densities ranging from 2 to 6 units per acre. The site is 5.15 acres in size, which under the current zoning would allow between 10 and 31 units to be developed on the site. Previous site approval for a 21-lot subdivision could result in 42 dwellings on site per HB 2001 as each lot could develop as a duplex. The known development capacity of the site is 42 dwellings, which is above the stated max density in the Silverton Development Code and is allowed by HB 2001. The zone change would allow the site to develop between 26 and 52 units. The zone change effectively allows the site to develop 10 additional dwelling units over the R-1 development capacity.
7. The goal of the Urbanization element of the Comprehensive Plan (Comp Plan) is to "Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner." A Policy of the Urbanization element indicates that multiple family development will be encouraged, especially in but not limited to, areas close to the

central business district, or within walking distance of neighborhood commercial area, or in areas designated for mixed use. It is also desired that multiple family development should be scattered around the community and not concentrated within any one particular area. Small developments which fit in the existing neighborhood are preferred. The site is located approximately 3,500' from the central business district.

8. The City adopted a Housing Needs Analysis (HNA) as a support document to the Comprehensive Plan which found that Silverton has an existing deficit of housing affordable for low-income households, which indicates a need for a wider range of housing types for renters and homeowners. About 30% of Silverton's households are cost burdened (paying more than 30% of their income on housing), including a cost-burden rate of 46% for renter households.
9. Silverton is planning for continued growth in single-family detached housing but more growth in single-family attached and multifamily dwelling units is needed to meet the City's housing needs. The factors driving the shift in types of housing needed in Silverton include changes in demographics and decreases in housing affordability. The aging of Baby Boomers and the household formation of Millennials will drive demand for renter and owner-occupied housing, such as single-family detached housing, townhouses, duplexes, triplexes, quadplexes, and apartments. Both groups may prefer housing in walkable neighborhoods, with access to services.
10. The Housing Element of the Comprehensive lists policies to 'Encourage opportunities which will provide affordable housing to meet the needs of low income, elderly, handicapped, families, and individuals within the Silverton area', 'Provide opportunities for the development of attached and detached single-family and multi-family dwellings such as duplexes, row houses, and town house apartments', and 'Allow accessory dwelling units, subject to city development and building regulations, in all residential zones'.
11. The 2008 Parks Master Plan identifies a connector route dissecting the subject property connecting The Oregon Garden to Pettit property/downtown. The 2021 Water Master Plan calls for a new connection to the Anderson PRV zone in front of the property. Applicant notes that the zone change doesn't impact the cities ability to undertake the project.
12. The zoning is consistent with the comprehensive plan map designation. The area has Public use to the south and the remaining area is single family residential. The potential negative impact on the area resulting from the change would be an increase in traffic based on increase in density of 10 dwelling units for the site over the existing zoning.
13. According to the Institute of Transportation Engineers Trip Generation Manual, a duplex is estimated as adding 2 p.m. peak hour trips (PMPHT) to the transportation system, a single-family dwelling is estimated as adding 1 PMPHT, and an apartment is estimated as adding .62 PMPHT. Using these estimates, the previous 21 lot single family subdivision, if developed with all single-family dwellings, would add 21 PMPHT trips to the transportation system. If the 21-lot subdivision were developed entirely as duplexes

as allowed per HB 2001, 42 PMPHT would be added to the transportation system. If the site were to develop as a 51-unit multifamily development, 31 PMPHT would be added to the transportation system.

14. The range of possible dwelling units for the vacant multi-family properties in the City Limits is 17-27 dwelling units. It should be noted that there are currently zero vacant properties zoned RM-20, Multi-Family High Density. Silverton's 654 acres of buildable land in the UGB has the capacity to accommodate 2,320 new dwelling units. While Silverton's forecast for demand is for 1,158 new dwelling units, Silverton has a deficit of capacity for 304 dwelling units in the Multifamily plan designation (over the 2020 to 2040 period). The following summarizes Silverton's land sufficiency results by plan designation.
15. Silverton has a deficit of land for 304 dwelling units in the Multifamily plan designation (about 17 gross acres). Currently, Silverton's available land in its Multifamily plan designation is zoned at densities consistent with the Single-Family plan designation which cannot accommodate most multifamily housing types. Addressing this deficit is key to meeting Silverton's housing needs over the 20-year period.
16. The site is adjacent to the City water and storm sewer systems and is located approximately 165' from sanitary sewer. There is a 12" water main on the mid-level zone running north from the PRV station that ends along the frontage of the site. It is feasible to run a 8" line from the end of this 12" across Eureka to supply water to a potential development. This will allow the services to be put in without individual Pressure Reducing Valves. To provide sufficient fire flow it would be feasible to come off the cross on the line running to the Oregon Garden and run 8" lines north and south to any hydrants needed. The transportation network is currently in place.
17. The transportation planning rule is not applicable.
18. The request does not involve a change to the Urban Growth Boundary.
19. The site has frontage on Eureka Avenue which is a Collector Roadway under Marion County jurisdiction. As part of any future development, an Access Permit would required from Marion County for access to Eureka Avenue which would likely preclude or limit direct driveway access to Eureka. A 22-foot-wide access and utility easement traverses the site from Eureka Avenue to the Oregon Garden. The easement would have to be maintained in any future development application.
20. Sanitary sewer exists approximately 165' Northwest of the site and has adequate size to serve development capacity of a zone change. A water main is located at Eureka Avenue and available to the site.