

ORDINANCE
23-06

AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING THE URBAN GROWTH BOUNDARY TO ADD 40 ACRES OF LAND ADJACENT TO IKE MOONEY ROAD INTO THE SILVERTON URBAN GROWTH BOUNDARY, DESIGNATING IT PUBLIC ON THE CITY'S COMPREHENSIVE PLAN MAP AND ANNEXING THE PROPERTY FOR THE DEVELOPMENT OF A PUBLIC PARK AND PUBLIC USE AND ZONING THE PROPERTY PUBLIC. MARION COUNTY ASSESSOR'S MAP 071W01 TAX LOT 00100.

WHEREAS on March 6, 2023, the City Council made a motion to initiate expansion of Urban Growth Boundary and annexation of City owned 40-acre property along Ike Mooney Road; and

WHEREAS after proper legal notice, a public hearing before the Planning Commission on July 11, 2023, was held to consider the application, evidence in the record, testimony received and continued the public hearing to the August 8, 2023, meeting; and

WHEREAS after proper legal notice, a public hearing before the Planning Commission on August 8, 2023, was held to consider the application, evidence in the record, testimony received; and

WHEREAS the Planning Commission, after review of the Urban Growth Boundary Amendment (UGB-23-01) application, testimony, and evidence in the record, found the application meets the applicable review criteria; and

WHEREAS the area proposed for annexation is described as a tract of land situated in Section 1, T7S, R1W, W.M. Marion County Oregon and described as follows:

Beginning at a point at the Northwest corner of that tract described in Reel 884, Page 54 Deed Records.

Thence South 0 00' 49" East 1,315.57 feet

Thence South 89 59' 27" East 1,336.23 feet to the center line of Ike Mooney Road

Thence North 0 00' 49" West 1,265.95 feet

Thence North 33 40' 30" West 64.89 feet

Thence South 89 48' 59" West 1,304.03 feet to the point of beginning

NOW, THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1 The City Council finds the burden of proof for the Urban Growth Boundary expansion and Comprehensive Plan Map amendment have been met based on evidence in the record and the findings of fact, identified as Exhibit "A" located within the case files are incorporated by reference, and adopted in support of this decision.

Section 2 The Second Reading of the Ordinance shall after the Marion County Board of Commissioners has approved the Urban Growth Boundary Amendment.

Section 3: **Legislative Annexation.** In accordance with ORS 222.120:

(1) The City Council hereby sets the final boundaries of the area to be annexed by a legal description and proclaims the annexation. A public hearing before the Council was held on September 11, 2023, 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 30 days after the passage of the Ordinance.

Section 4: **Consent to Annexation.** In accordance with ORS 222.125 the City 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 5: **Timing of Consents.** The City Council finds that only statements of consent to the annexation which are filed within one-year period prior to the hearing have been submitted and describes the 40 acres of real property, all located in Marion County, Oregon that shall be annexed into the City of Silverton upon recording with the Secretary of State.

Section 6: **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 7: **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 8: **Assessor Valuation.** In accordance with ORS 222.030 the City 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 9: **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 10: **Exhibits.** The City Council adopts the Findings of Fact, attached hereto as Exhibit ‘A’, and a map of the area being annexed as Exhibit ‘B’, which shall be incorporated by reference herein.

Section 11: **Zone Designation.** Upon annexation the property shall have a City of Silverton zoning designation of P (**Public**).

Section 12: **Effective Date.** In accordance with ORS 222.180 the effective date of annexation shall be 30 days after passage.

Ordinance passed by the City Council of the City of Silverton by a vote of ___ “for” and ___ “against” on this 1st day of April 2024.

Mayor, City of Silverton
Jason Freilinger

ATTEST:

City Manager /Recorder, City of Silverton
Cory Misley

EXHIBIT A
UGB 23-01

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

1. The City Council adopted Resolution 14-26 on June 2, 2014 authorizing the submittal of Land Use Applications to the City of Silverton and Marion County to amend the Silverton Urban Growth Boundary and Comprehensive Plan by adding one parcel located along Ike Mooney Road identified as Marion County Assessor's Map 071W01 Taxlot 00100 and designate it Public.
2. On March 6, 2023 the City Council made a motion to initiate Urban Growth Boundary expansion and annexation of City owned property along Ike Mooney Road.
3. Notice was mailed to all property owners within 700 feet of the subject area on June 21, 2023. The notice was published in the Statesman Journal on June 28, 2023. The site posted on June 30, 2023.
4. The Planning Commission reviewed the application at their July 11th and August 8th meetings and recommends the City Council approve the application.
5. The application was reviewed by the City Council on September 11, 2023.
6. The proposed UGB amendment is to add a 40 acre parcel to the Silverton Urban Growth Boundary and designate it Public with the intent to develop the parcel as a park in the future. The City of Silverton adopted a Parks and Recreation Master Plan in 2008 that has a 20-year planning period. The projected 2030 population was 14,400 which is a 5,201 increase from the estimated 2007 population of 9,205. The Parks Master Plan found that there was an additional 115 acres of developed park land needed to serve future population and an additional 20 acres of natural areas needed to serve future population. The Vision Diagram in the Parks Master Plan identified acquiring and developing a new community park (30-50 acres) east of Abiqua Heights and near Pioneer Village as a high priority. The proposed UGB amendment will allow the future development of a community park in the area identified in the Parks and Recreation Master Plan in order to accommodate additional population.
7. No residential or commercial property will be added as part of the UGB amendment.
8. The proposed UGB amendment is to add a 40 acre parcel to the Silverton Urban Growth Boundary and designate it Public with the intent to develop the parcel as a park in the future. The property is located adjacent to the City Limits, which is a requirement for future annexation and provides for orderly development of public facilities due to the proximity of exiting public facilities. The property was donated to the City in 2009 thereby negating the need to purchase property for the future identified park. The Fire District was also provided space on the parcel for future development of a sub-station, which will increase public services in the surrounding area.

A 2009 park land analysis was undertaken in response to a 2008 Parks and Recreation Master Plan recommendation for the acquisition of a community park in the southeast section of Silverton. The location was conceptual in nature in the plan and additional analysis was

required to evaluate sites in the identified area prior to a site selection. Two of the four sites were located outside the Urban Growth Boundary. The addendum was intended to determine if any other land within the Urban Growth Boundary could be used to satisfy the identified need.

A new 30 to 50-acre community park is recommended for acquisition and development east of Abiqua Heights and near Pioneer Village to meet not only future needs, but also fulfill a shortfall of parkland for community-wide use and reduce current over use of Coolidge & McClaine Park. The ideal site will be between 30-50 acres and will be capable of providing community-based recreation needs while preserving special landscapes and natural habitats. Possible improvements could include a pavilion, picnic facilities, playground, court sports, and infrastructure including parking, restrooms, and a pathway system. Trail connections should be provided to adjacent neighborhoods. Further input and design is needed to determine actual park facilities.

The plan recommended acquisition in 5-10 years with an estimated cost of \$600,000 and development in 10-20 years with an estimated cost of \$2,500,000.

9. There are four areas within the Urban Growth Boundary that can be considered for potential park land acquisition and development within the Parks Master Plan required proximity of Abiqua Heights and Pioneer Village.
10. The land use of the parcel will be Public and is the location of a future community park. A community park is identified as a 30-50 acre parcel. Possible improvements listed in the Master Plan include, a pavilion, group and family picnic facilities, playground for children and youth, court sports, and infrastructure including parking, restrooms, and pathway system with trail connections to adjacent neighborhoods. There has also been preliminary discussion of a disc golf course on the site. A site plan will have to be developed in the future that includes getting public input on what specific amenities citizens want in the future park. The only undeveloped parcel within the existing Urban Growth Boundary larger than 30 acres is the location of the Pioneer Village VII subdivision.

At 40 acres, the Pioneer VII site is the largest vacant parcel zoned for residential development inside the City Limits. There 3 other largest vacant parcels zoned for residential development range in size from 9.54 to 12.62 acres in size and total 37.72 acres. These four parcels represent the vast majority of vacant land for residential development in the City. Pioneer VII represents about a two year supply of residential building lots. Purchasing a significant portion of the developable residential land in the City for development as a park is not in the City's best interest and would put pressure on annexing additional land for residential development. Amending the UGB to add the 40 acre parcel will allow future development of a community park in the identified area without reducing residential land supply.
11. The site is location of an old Christmas tree farm that is no longer active. The area is surrounded by active farms. By utilizing this parcel for park development there is no need to look at acquiring adjacent farmland for park development.
12. The proposed is for a new community park with possible amenities being a pavilion, picnic facilities, playground, court sports, and infrastructure including parking, restrooms, and pathway system with trail connections to adjacent neighborhoods. The proposed use is not

anticipated to have negative impacts on surrounding agricultural activities due to the passive nature of park use.

13. A new community park would be an additional amenity for the area and for the City. Development of the parcel as a park will have limited environmental or energy impact given most of the land will be retained as green space. Parks are a social amenity that foster community interaction and the addition of a new 40 acre park will increase the area's social well-being.
14. 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." The UGB amendment will add 40 acres of land for future park development which is the identified size range and in the identified area for park development according to the Parks and Recreation Master Plan. The parcel is adjacent to the City Limits and represents a logical area for expansion.

The Goal of the Agricultural Lands element is to "Preserve and maintain agricultural lands". There are four different soil types on the 40 acre parcel. 53% of the site (21.2 acres) is made up of a combination of Nekia Very Stony Silty Clay Loam 2 to 30 percent slopes and Nekia Very Stony Silty Clay Loam, 30 to 50 percent slopes. These soils are in the areas in excess of 12% slope. These are not identified as High Value and each has a Soil Class of 6. Soil classes greater than 4 are not typically suitable for agricultural use.

39.5% of the site (15.8 acres) is made up of Nekia Silty Clay Loam, 7 to 12 percent slopes. This soil type is in the areas with slopes between 7% and 12%. This is identified as High Value and has a Soil Class of 3.

The remaining 7.5% (3 acres) of the site is made up of Nekia Silty Clay Loam, 2 to 7 percent slopes. This soil type is in the areas with slopes between 2% and 7%. This is identified as High Value and has a Soil Class of 2.

The identified conceptual area for a future Community Park is made up of mostly High Value soil types. The 40 acre parcel is split 50:50 with High Value and Non-High Value soil types. This is due to the topography of the site. This allows park amenities to be developed on the flatter portion of the site with trails and natural features to be utilized on the areas with steeper slopes. This is the only property in the area that contains such a balance. By utilizing this parcel for park development there is no need to look at acquiring adjacent farmland for park development. Most other properties in the area are actively being farmed due to the High Value soil type and low slopes.

An Objective of the Open Space, Natural and Cultural Resources element is to "Ensure adequate open space to meet the needs of Silverton residents". As noted above, the Parks Master Plan has identified a need for a new 30-50 acre community park in the area. Amending the UGB will allow the future development of the park to meet the open space needs of Silverton residents.

The Objectives of the Natural Hazards element are to, "Inventory known hazards and Insure that appropriate protective measures are taken to prevent potential damage in hazard areas". A portion of the site contains steep slopes, which is identified as a hazard area. Development of the site will likely take place on the areas outside of the hazard area due to lower costs of

development. The sloped area will likely remain mostly natural with a trail system. While the design of the park will be done in the future, these are typical design features and methods.

Two Objectives of the Public Facilities and Services element are to, “Ensure the safety of Silverton citizens through adequate Police and Fire Protection, and provide an adequate amount of parkland for local use and provide a variety of recreation facilities to meet the needs of all age groups.” A portion of the site was dedicated for the future location of a Silverton Fire District Sub-Station, which will increase Fire Protection services in the area. As noted above, the 40 acre parcel will fill an identified need of parkland for local use.

The Goal of the Citizen Involvement element is to “Insure that the citizens of Silverton and those residents in the planning area have an opportunity to be involved with all phases of the planning process.” The Parks and Recreation Master Plan was developed with public input and adopted by the Planning Commission and City Council in Public Hearings. Future development of the park will be done with public input to ascertain what amenities are desired for the future park.

15. The site is currently outside the UGB and does not have a Silverton Comprehensive Plan Designation. The parcel is to be designated Public and will be developed in the future as a park as identified in the Parks and Recreation Master Plan. The Public designation is the only designation that meets relevant comprehensive plan policies.
16. The relevant area plan adopted by the City Council that applies to this area is the City’s Parks and Recreation Master Plan. The Public designation is consistent with the Parks Master Plan as the Plan identified a need for a new 30-50 acre park in the area.
17. The area is surrounded by Single Family Uses and Agricultural Uses. The Public designation will allow the parcel to be developed in the future as a park. The only negative impact could be an increase in traffic by people utilizing the park. The site is accessed via Ike Mooney Road. Residents outside the Pioneer Village area will likely utilize South Water Street, Pioneer Drive and Ike Mooney Road to access the park. South Water is classified as an Arterial Street with Pioneer and Ike Mooney being classified as Collectors. These roads are designed to act as the thoroughfares to get people to places, therefore people utilizing these roads to access the park are within the roadway classification.
18. The only other available property designated Public available for park development is the City owned Westfield property that is the location of the Skate Park and Dog Park. The Westfield property is 11.6 acres in size, less than half the minimum requirement of 30 acres for a community park.
19. The City is working with the Department of Land Conservation and Development to ensure the designation is consistent with the statewide planning goals. The application will also have to be reviewed by the Marion County Board of Commissioners to ensure compliance with statewide planning goals. .
20. The site will have a primary access off of Ike Mooney Road NE which is classified as a collector roadway.
21. 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.” The annexation will add 40 acres of land for future park development which is the identified size range and in the identified area for park development according to the Parks and Recreation Master Plan. The parcel is adjacent to the City Limits and represents a logical area for expansion.

22. The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards. Adequate public facilities exist to serve the site and no upgrades are necessary.
23. Ike Mooney Road NE in the annexation area lacks continuous curbs and sidewalks and does not currently meet City standards. Typically when areas are annexed, associated public facilities need to meet City standards. In this case, Ike Mooney Road NE is currently under Marion County jurisdiction and the City will not assume jurisdiction of the roadways with the annexation. Since the roadways will stay under Marion County jurisdiction sidewalk and curb upgrades to City standards will not be required at this time.

The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards. Adequate public facilities exist to serve the site and no upgrades are necessary.

24. The area is contiguous to the City. The site abuts the City Limits along the southern and south western property lines. The annexation represents a logical direction for city expansion.
25. The area considered for annexation is not currently within the Urban Growth Boundary. An Urban Growth Boundary amendment and Comprehensive Plan Map amendment are concurrently being requested.
26. There are no areas within the annexation boundary that are identified as floodplain. Steep slopes do exist on parts of the site but the slopes will work well with trails and natural areas and are not an issue.
27. 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.
28. The annexation will have minimal physical and environmental impacts on the community. There will be no additional residential, commercial or industrial development as a result of the annexation. Based on the findings listed above, the annexation will not have a significant adverse effect on the community as a whole.

Testimony was received indicating concern regarding traffic/access/parking, tree removal, drainage, noise, affected property taxes, design & location of features and potential for residential housing. The answer to most of these items will be determined at a later time through a public process to design and develop the public park. The future process will determine location and type of amenities/facilities and the detailed impact those amenities have on the property. Residential homes will not be development on the property and the adjacent home property taxes will not be affected due to the 3% tax rate limit.

29. The proposed UGB amendment is to add a 40 acre parcel to the Silverton Urban Growth Boundary and designate it Public with the intent to develop the parcel as a park in the future. The property is located adjacent to the City Limits, which is a requirement for future annexation and provides for orderly development of public facilities due to the proximity of existing public facilities. The property was donated to the City in 2009 thereby negating the need to purchase property for the future identified park. The Fire District was also provided space on the parcel for future development of a sub-station, which will increase public services in the surrounding area.
30. Two Objectives of the Public Facilities and Services element in the comprehensive plan are to, “Ensure the safety of Silverton citizens through adequate Police and Fire Protection, and provide an adequate amount of parkland for local use and provide a variety of recreation facilities to meet the needs of all age groups.” A portion of the site was dedicated for the future location of a Silverton Fire District Sub-Station, which will increase Fire Protection services in the area. As noted above, the 40 acre parcel will fill an identified need of parkland for local use.
31. The 2020 City of Silverton Housing Needs Analysis identified a need for 1,158 new dwelling units between 2020 and 2040. The analysis also determined the average net density for dwelling units per net acre to be 4.8 which amounts to a need for 241 acres of residential development. Adding 25% to the 241 acres equals 60 acres for streets, parks and school facilities. The subject 40 acre property is designated to be a park and would fulfill 2/3 of the identified need as allowed within the safe harbor subsection.
32. The City of Silverton is not adding capacity for residential, industrial or employment lands to the UGB. The proposal is to add a 40 acre lot for the use as a public park which will be zoned Public. In addition, by annexing land for a public park the city is not taking from the current residential and industrial properties which would lower needed inventories in those zones.
33. The proposed UGB amendment is to add a 40 acre parcel to the Silverton Urban Growth Boundary and designate it Public with the intent to develop the parcel as a park in the future. The City of Silverton adopted a Parks and Recreation Master Plan in 2008 that has a 20-year planning period. The Parks Master Plan found there was an additional 115 acres of developed park land needed to serve future population and an additional 20 acres of natural areas needed to serve future population. The Vision Diagram in the Parks Master Plan identified acquiring and developing a new community park (30-50 acres) east of Abiqua Heights and near Pioneer Village as a high priority. The proposed UGB amendment will allow the future development of a community park in the area identified in the Parks and Recreation Master Plan in order to accommodate additional population.

The property is located adjacent to the City Limits, which is a requirement for future annexation and provides for orderly development of public facilities due to the proximity of existing public facilities. A 2009 park land analysis was undertaken in response to the 2008 Parks and Recreation Master Plan recommendation for the acquisition of a community park in the southeast section of Silverton. The study details are addressed earlier in this report.

The ideal site will be between 30-50 acres and will be capable of providing community-based recreation needs while preserving special landscapes and natural habitats. Possible

improvements could include a pavilion, picnic facilities, playground, court sports, and infrastructure including parking, restrooms, and a pathway system. Trail connections should be provided to adjacent neighborhoods. Further input and design is needed to determine actual park facilities.

34. OAR 660-024-0067 requires an evaluation of the study area by priorities. Silverton has no adjacent urban reserves, exception lands, nonresource lands, or marginal lands. Lands adjacent to Silverton are predominantly high value farmland, soil class I through IV, with some class VI land to the east and south. The majority of adjacent land to the west, north and east is zoned exclusive farmland and adjacent land to the south is zoned a combination of acreage residential and farm timber.

The subject property is approximately 42% class VI soils and 58% class III soils with class III soils being considered high value farmland. The majority of Silverton's adjacent class VI soils have steep slopes that would not be suitable for a portion of the proposed park that would contain a parking lot and other facilities requiring gentler slopes. The 40 acre proposed property has a combination of steep slopes and gentler slopes to accommodate the variety of needs for a passive park. The property is also located in the identified area of the 2008 Parks Master Plan for a community park identified as a high priority. In addition, the property borders the city limits which helps reduce impact to the surrounding farmland.

Exhibit 'B'

