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CITY OF SILVERTON – PLANNING COMMISSION REGULAR MEETING
Silverton High School Library at 1456 Pine Street
with a Teleconference option via Zoom with a telephone call in number.

November 14, 2023 - 7:00 PM

AGENDA

I. ROLL CALL

II. MINUTES – None

III. BUSINESS FROM THE FLOOR
Items not on the Agenda.

IV. PUBLIC HEARINGS

- 4.1** File Number AN-23-01. Annexation application to annex 827 Railway Avenue NE into the City Limits and zone the property GC, General Commercial. The total area of the annexation request is 1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to the City sewer and water system. The application will be reviewed per Silverton Development Code sections 4.10.140.
- 4.2** File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area and is currently vacant. The application will be reviewed per Silverton Development Code sections 4.7.300.

V. REPORTS AND COMMUNICATIONS

VI. ADJOURNMENT

Americans with Disabilities Act – *The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City at 503-874-2204 at least 48 hours prior to the meeting.*

Please submit written comments to Jgottgetreu@silverton.or.us prior to 4:00 p.m. on November 14, 2023. Comments received will be shared with Planning Commission at the meeting and included in the record. Comments may be mailed to City Hall at 306 S Water Street or dropped off inside City Hall. Please contact Jason Gottgetreu at 503-874-2212 to obtain a method to listen to the meeting.



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

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-23-01

LAND USE DISTRICT:
AR, ACREAGE RESIDENTIAL

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 061W34CA
LOTS #: 00700
SITE SIZE: 1.48 ACRES
ADDRESS: 827 RAILWAY AVE. NE

APPLICANT:
RAILWAY INVESTMENTS LLC
827 RAILWAY AVENUE NE
SILVERTON, OR 97381

APPLICANT'S REPRESENTATIVE:
CASCADIA PLANNING & DEV. SERVICES
PO BOX 1920
SILVERTON, OR 97381

OWNER:
RAILWAY INVESTMENTS LLC
827 RAILWAY AVENUE NE
SILVERTON, OR 97381

LOCATION: ON THE SOUTH SIDE OF RAILWAY
AVE.

PROPOSED DEVELOPMENT ACTION: ANNEXATION APPLICATION TO ANNEX 827 RAILWAY AVE NE INTO THE CITY LIMITS AND ZONE THE PROPERTY GC, GENERAL COMMERCIAL. THE TOTAL AREA OF THE ANNEXATION REQUEST IS 1.48 ACRES. THE PURPOSE OF THE ANNEXATION IS TO ALLOW THE EXISTING BUILDING AND A FUTURE BUILDING TO BE ABLE TO CONNECT TO THE CITY SEWER AND WATER SYSTEM.

DATE: NOVEMBER 7, 2023

Attachments

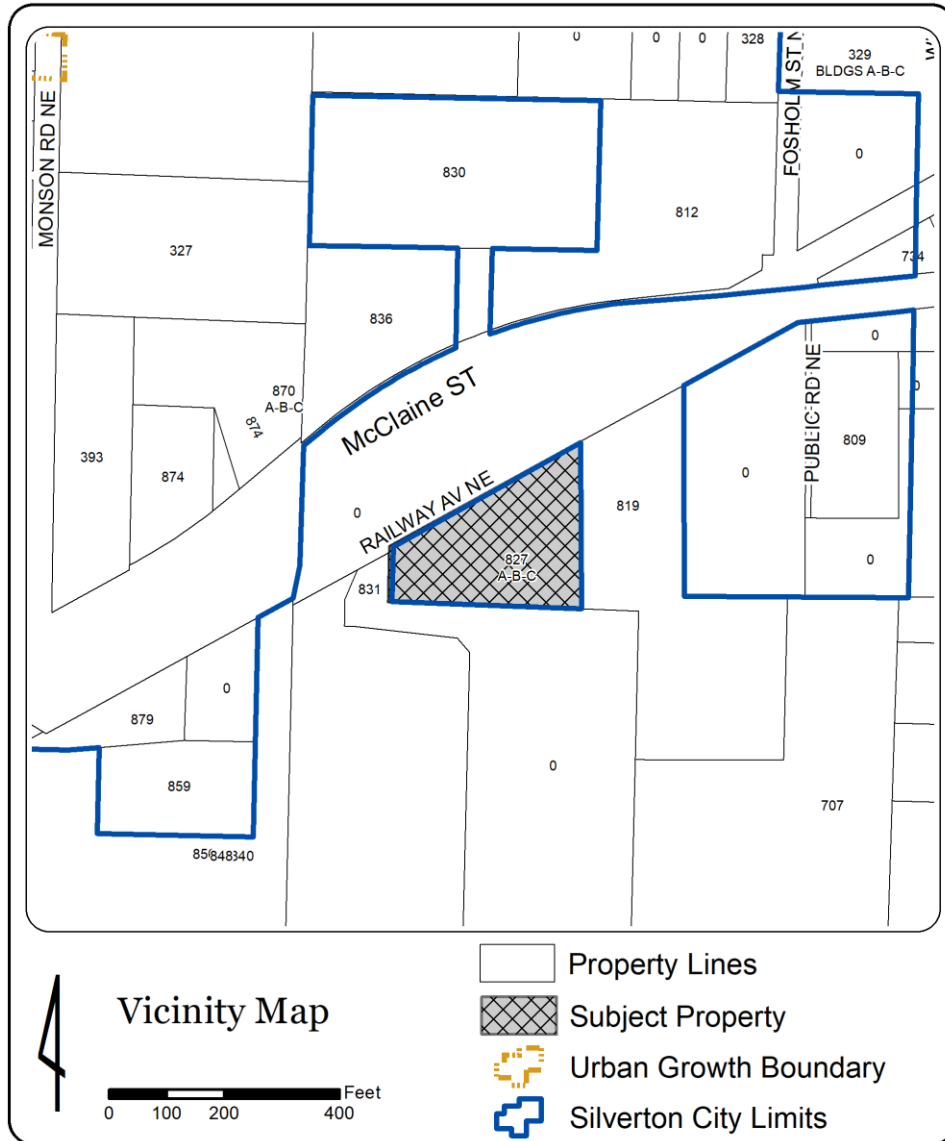
- A. Vicinity Map and Review Criteria
- B. Applicant's Narrative
- C. Staff Report
- D. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-23-01

Vicinity Map and Surrounding Land Use Districts

- North – UT-5 (Urban Transition)
- East – IP (Industrial Park)
- South – LI (Light Industrial)
- West – LI (Light Industrial)



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

- A. Adequacy of access to the site; and
- B. Conformity of the proposal with the city's comprehensive plan; and
- C. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extension or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and
- D. The new area will meet city standards for any public improvements which may be necessary to serve the area (including but not limited to streets, including sidewalks, sanitary sewer, water, storm drainage); and
- E. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
- F. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and
- G. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
- H. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and
- I. Shall be in compliance with applicable sections of ORS Chapter 222; and
- J. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed; and
- K. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the comprehensive plan as open space or as significant scenic, historic or natural resource areas; and
- L. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.
- M. If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and
- N. Promotes the timely, orderly and economic provision of public facilities and services; and
- O. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

ATTACHMENT B: APPLICANT'S NARRATIVE



PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

**CITY OF SILVERTON
APPLICATION FOR
LAND USE REVIEW**

**RAILWAY INVESTMENTS
ANNEXATION**

Location: 827 Railway Avenue NE
Silverton, OR 97381
Tax Lot 700 of
Tax Map 61W34CA in
Marion County, Oregon

Prepared by: Steve Kay, AICP
Mason McGonagall, PhD Arch

Prepared for: Railway Investments, LLC
827 Railway Ave NE
Silverton, OR 97381

August 25, 2023

APPLICANT'S STATEMENT

PROJECT NAME: Railway Investments Annexation

REQUEST: Annexation with Automatic Zoning Map Amendment to GC (General Commercial)

LEGAL DESCRIPTION: Tax Lot 700
Tax Map 61W34CA
Marion County, Oregon

APPLICANT'S REPRESENTATIVE: Steve Kay, AICP
Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
503-804-1089
steve@cascadiapd.com

APPLICANT/OWNER: Railway Investments, LLC
827 Railway Ave NE
Silverton, OR 97381

PROPERTY SIZE: 1.46 acres +/-

LOCATION: 827 Railway Avenue NE
Silverton, OR 97381

I. APPLICABLE REGULATIONS

A. Silvertown Development Code:

Article 2: Land Use (Zoning) Districts
Chapter 2.3: Commercial Districts
Article 4: Administration of Land Use and Development
Chapter 4.10: Annexations

B. Silvertown Comprehensive Plan

Urbanization Element
Agricultural Lands Element
Open Space, Natural and Cultural Resources Element
Air, Water, and Land Resources Quality Element
Natural Hazards Element
Housing Element
Economy Element
Transportation Element
Energy Element
Public Facilities and Services Element
Citizen Involvement Element

C. Statewide Planning Goals

Goal 1: Citizen Involvement
Goal 2: Land Use Planning
Goal 3: Agricultural Lands
Goal 4: Forest Lands
Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources
Goal 6: Air, Water and Land Resource Quality
Goal 7: Areas Subject to Natural Disasters or Hazards
Goal 8: Recreational Needs
Goal 9: Economic Development
Goal 10: Housing
Goal 11: Public Facilities
Goal 12: Transportation
Goal 13: Energy Conservation
Goal 14: Urbanization

III. BACKGROUND:

The applicant, Railway Investments, is requesting land use approval of a Minor Annexation Application to include the subject property within the city limits of Silverton. The subject site consists of Tax Lot 700 of Tax Map 61W34CA and is addressed as 827 Railway Avenue NE. The attached Existing Conditions Plan indicates that the 1.46 acre site is currently designated Commercial on the Silverton Comprehensive Plan Map and is zoned Industrial/Commercial on the Marion County Zoning Map. Following annexation approval, the site will automatically be zoned GC (General Commercial). The attached Existing Conditions Plan indicates that the site is an unincorporated island that is directly adjacent to the city limits of Silverton and is located within the City's Urban Growth Boundary (UGB).

The attached Existing Conditions Plan demonstrates that the site generally slopes down from the southeast to northwest corner of the property (see Exhibit 3). The property is clear of native vegetation and currently contains a 9,035 sq. ft. industrial use building with an existing asphalt storage yard covering the remainder of the site. No natural hazards, natural resources, or critical areas are identified on the parcel.

In 2011, a series of interactive community workshops were initiated by the City of Silverton to develop a vision for Silverton's West-Side area. This focused planning area includes the subject site. The project was guided by a Project Advisory Committee comprised of local citizens, business owners, organizations, government agencies, and elected officials. As a result of this effort, an urban design framework and transportation plan strategies were identified to ensure that future development was consistent with the community's vision. On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City's Comprehensive Plan and a refinement to the City's Transportation System Plan (TSP). The proposed Zoning Map designation and low-impact light industrial use on the site is consistent with the adopted area plan.

As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, and installing a curb and 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Silverton Local Street standards.

As indicated by the attached Existing Conditions Plan, public utilities are in the vicinity of the subject site and can accommodate commercial and industrial uses on the site. Public water and sanitary sewer service will be provided by connecting to the existing main lines within Railway Avenue NE. Stormwater is currently managed by collecting stormwater on the site and discharging it into the public drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the adjacent public facilities and utilities were sized to accommodate full development of the site.

This Applicant's Statement addresses the applicable provisions of the Silverton Development Code, Statewide Planning Goals, and Silverton Comprehensive Plan. Copies of the signed Application Form, Property Deed, and Preliminary Plans have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use application meets the criteria for approval.

IV. FINDINGS

A. SILVERTON DEVELOPMENT CODE

ARTICLE 2: LAND USE (ZONING) DISTRICTS

CHAPTER 2.3: COMMERCIAL DISTRICTS

Section 2.3.110: Commercial Districts – Allowed Land Uses

Table 2.3.110 identifies the land uses that are allowed in the commercial districts. The specific land use categories are described and uses are defined in Chapters 1.5 and 1.6 SDC.

COMMENT:

The attached Existing Conditions Plan indicates that the subject site is currently developed with a 9,035 sq. ft. warehouse structure with an associated asphalt storage yard and parking area. The building contains Kaufman Mason, which is operated by the applicant and property owner, Railway Investments LLC. Kaufman Masonry is a company that specializes in fireplace, concrete block, brick, and stone construction. A portion of the structure is also leased to Tiny Mountain Houses for the construction of towable tiny homes.

Upon annexation, the subject site will be automatically zone GC (General Commercial). Both of the existing businesses currently undertake all manufacturing and production activities within the existing structure. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. Per Table 2.3.110, manufacturing and production is permitted in the GC zone when the use is fully enclosed within a structure.

ARTICLE 4: ADMINISTRATION OF LAND USE AND DEVELOPMENT

CHAPTER 4.10: ANNEXATIONS

Section 4.10.120: Application and Fee.

An application for annexation shall be filed with the city and accompanied by the appropriate fee. Additional land use applications may be filed concurrently with an annexation application contingent on approval of the annexation. At a minimum the application shall include:

- A. A complete application signed by each property owner or a signed notarized letter of authorization from the property owner allowing the city to process an application received from a third party; and**

COMMENT:

As required, the submitted Annexation Application form has been signed by the property owner of the subject site (see Exhibit 1).

- B. Signed notarized statements by anyone leasing or renting the property stating that they have no objection to the annexation; and**

COMMENT:

The property owner operates Kaufman Masonry out of the existing structure and has rented a portion of the warehouse to Tiny Mountain Houses. As required, a signed statement has been provided by the tenant indicating that they have no objection to the annexation (see Exhibit 1).

- C. A mailing list of all current property owners and residents within 500 feet of the subject site, as certified by a title company or by the Marion County tax assessor's office, as accurate and complete as found on the most recent property tax assessment roll where the subject property is located; and**

COMMENT:

The City of Silverton has provided a property owner and resident mailing list which meets the standards of this section.

- D. A copy of the current deed(s); and**

COMMENT:

A copy of the current property deed has been attached to this Applicant's Statement (see Exhibit 2).

- E. A legal description of the territory to be annexed, meeting the relevant requirements of ORS Chapter 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description; and**

COMMENT:

The attached property deed includes a legal description which meets the standards of this section (see Exhibit 2).

- F. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined; and**

COMMENT:

As required, the applicant has submitted a tax map with this application (see Exhibit 4).

- G. A written applicant’s statement addressing each review criteria. It shall be the applicant’s responsibility to submit a complete application which addresses the review criteria listed in SDC 4.10.140. Upon determination that the application is complete, a public hearing shall be scheduled before the planning commission followed by a public hearing before the city council; and**

COMMENT:

This narrative addresses each of the Annexation application review criteria.

- H. Eighteen full-sized and one reduced (11 inches by 17 inches) conceptual site plan for properties to be developed with a subdivision or planned development.**

COMMENT:

The applicant is not proposing a subdivision or planned development. Therefore, the above standards do not apply. With approval of the application, the subject site will be zoned GC upon annexation into the city limits of Silverton. The applicant has attached a Concept Plan and intends to submit a future Design Review application for the development of a new industrial use warehouse structure in the southwest corner of the site.

- I. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map on forms provided by the city;**

COMMENT:

All property owners within the proposed annexation area have signed the attached application form. Therefore, a double-majority worksheet is not applicable to this annexation request.

- J. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the review criteria, as relevant, including:**
 - 1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities; and**

COMMENT:

As indicated by the attached Existing Conditions Plan, public utilities are in the vicinity of the subject site and can accommodate full development of the property. Public water and sanitary sewer service will be provided by extending services from the existing main lines within Railway Avenue NE. Stormwater is currently managed by collecting stormwater from impervious surfaces and discharging it into the public drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton’s Water, Sanitary Sewer, and Stormwater Master Plan planning areas, recently installed public facilities within Railway Avenue have been sized to accommodate development on the site. Phase I of the West-Side Gateway Planned Development also widened the south side of Railway Ave NE, installed drainage improvements, and added a curb and sidewalk, bringing the site’s frontage into compliance with Local Street standards.

- 2. Statement of increased demand for such facilities to be generated by the proposed development; and**

COMMENT:

The applicant has attached a Concept Plan which indicates that the applicant intends to develop a warehouse building for permitted commercial and industrial uses in the southwest corner of the site (see Exhibit 3). Prior to submitting a Design Review application, the applicant will set up a Pre-Application Conference with City Staff. Based on the projected number of daily trips, the City will determine if a traffic impact statement needs to be submitted with the land use application. Using this calculation, Transportation SDCs will be assessed by the City before a building permit is issued for the development. These fees will be used by the City to mitigate transportation impacts that are generated by the new development.

Similarly, the cost for increased demand for other services will be assessed by the City. The City’s adopted utility master plans have determined the proportional cost of expanded services due to new development. Using these mechanisms, Water System, Sewer System, and Storm Drainage SDCs will also be assessed when building permits are issued for the future warehouse building.

- 3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand; and**

COMMENT:

As discussed above, future development of the site can be accommodated by existing sanitary sewer, water, stormwater, transportation facilities. To address the proportional costs of future service and facility needs, Water System, Sewer System, and Storm Drainage SDCs will be collected for the proposed warehouse structure when building permits are issued for the subject site.

- 4. Statement outlining method and source of financing required to provide additional facilities, if any; and**

COMMENT:

Since the subject site is included in Silverton’s Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the recently installed adjacent public facilities within Railway Avenue were sized to accommodate full development of the property. No additional public facilities will be required to serve the subject site after the annexation.

5. **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; and**

COMMENT:

On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City’s Comprehensive Plan. The subject site is located within the boundaries of this area plan. Based on community discussions and an analysis of urban growth boundary needs, the area plan identifies the need to develop the West Silverton employment area with a business park and low-impact industrial development for job creation.

The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop the site with an additional warehouse (see Exhibit 4). A future Design Review application will be submitted for development of the structure. This additional structure will encourage economic development and create additional employment opportunities. Therefore, the proposed annexation and subsequent development will help enhance the physical and social environment, consistent with the community’s vision for the West-Side area.

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

COMMENT:

The attached Concept Plan illustrates that the proposed annexation and future development on the site will result in a number of positive effects for the community. With the annexation, the City will start receiving property tax revenue from existing assessed improvements on the site. This revenue will help fund park, transportation, police, code enforcement, and planning services within the city limits. The existing structure will also be required to connect to the public water and sanitary sewer main lines within Railway Avenue, helping to safeguard environmental resources within the community.

Following the annexation, the applicant intends to develop a new 6,000 sq. ft. warehouse structure in the southwest corner of the site (see Exhibit 3). This structure will support economic development and job creation in Silverton. The planned development will include the installation of landscape improvements within the parking area to improve the aesthetics of the existing development. In addition, Transportation, Sanitary Sewer, Water, and Park SDCs will be paid when building permits are obtained for the new building. The City will use those funds to increase the capacity of those public facilities for the citizens and business of Silverton.

- 7. Statement indicating the type and nature of any comprehensive plan text or map amendments that may be required to complete the proposed development;**

COMMENT:

As demonstrated by the Concept Plan, once annexed, the applicant will utilize the subject site for a permitted use in the GC Zone. Therefore, a Comprehensive Plan text or map amendment is not required.

- K. Annexation agreement. There may be instances in which an applicant may offer additional considerations in support of an annexation application. Such considerations shall be considered as part of an annexation application. These considerations shall be formalized through a development agreement;**

COMMENT:

The applicant and the City have not discussed the option of an annexation agreement for this application.

- L. The application fee for annexations and a deposit which is adequate to cover any and all costs related to the election as established by resolution of the city council.**

COMMENT:

As required, the Annexation application fee has been submitted to the City.

Section 4.10.140: Review criteria.

When reviewing a proposed annexation of land, the planning commission and city council will consider the following standards and criteria; the applicant shall bear the burden of proof.

- A. Adequacy of access to the site; and**

COMMENT:

As indicated by the attached Existing Conditions Plan, the subject property currently has adequate site access from the adjacent right-of-way, Railway Avenue NE (see Exhibit 3). The existing frontage improvements were upgraded to meet current City standards when Phase I of the West-Side Planned Development project was constructed. The submitted Concept Plan demonstrates that when a future warehouse is developed on the property, the access point will move to the east and will comply with City standards.

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

COMMENT:

As mentioned above, with approval of the Annexation application, the subject site will be automatically zoned GC when it is included in Silverton's city limits. The applicant has attached a Concept Plan which illustrates the intent to develop an additional warehouse on the site for manufacturing and production uses within a fully enclosed structure (see Exhibit 3). The following comments demonstrate how the Annexation application conforms to applicable elements of the City's Comprehensive Plan:

Urbanization Element

The goal of the Urbanization Element of the Comprehensive Plan is to provide an adequate land supply of buildable residential, commercial, and industrial land within the City's UGB area. To evaluate commercial and industrial land needs, the City directed the preparation of an Economic Opportunity Analysis in 2011. The applicant's Concept Plan demonstrates that existing and future uses on the site will align with the current Commercial Comprehensive Plan Map designation, and automatic General Commercial Zoning Map designation upon annexation. Therefore, the requested annexation is consistent with the Urbanization Element.

Agricultural Lands Element

The goal of the Agricultural Lands Element is to preserve and maintain agricultural lands. The policies of the Agricultural Element include working with Marion County to zone areas of land between the city limits and the Urban Growth Boundary for 5-acre minimum lots. The subject site, which is located within Silverton's Urban Growth Area, is not utilized for agricultural purposes and is currently zoned Industrial/Commercial by Marion County. Therefore, the proposed annexation and intended use of the site is consistent with the Agricultural Lands Element.

Open Space, Natural and Cultural Resources Element

The goal of this element is to preserve and conserve open space, and natural and cultural resources. The Silverton Comprehensive Plan does not identify or designate any portion of the subject site as open space, or as significant scenic, historic or natural resource areas. Therefore, the proposed annexation will further the objectives of this Comprehensive Plan element.

Air, Water and Land Resources Quality Element

The goal of this element is to maintain and improve the quality of air, water and land resources. Future development of the property will require connection to the City's sanitary sewer, water, and stormwater systems. By adhering to the City's environmental standards, the proposed fully enclosed manufacturing and production use will comply with the goals and policies of this element.

Natural Hazard Element

The goal of the Natural Hazards Element is to protect life and property from natural disasters and hazards. The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. Therefore, the proposed annexation conforms with this element of the Comprehensive Plan.

Housing Element

Objectives of the Housing Element coincide with City comprehensive plan elements and policies to encourage commercial development and job growth in close proximity to residential zones. The subject site will be zoned GC upon annexation. The submitted Concept Plan indicates that the site currently contains 9,035 sq. ft. warehouse and an additional 6,000 sq. ft. structure will be constructed in the southwest corner of the property (see Exhibit 3). The City's adopted West-Side Land Use and Transportation Plan identifies the need for employment opportunities near planned residential uses to the south of the subject property. Therefore, the annexation complements the policies and goals of the Housing Element, particularly for Silverton's West-Side area.

Economy Element

The goal of the Economy Element is focused on the diversification and improvement of the local economy. The proposed annexation will allow the subject site to connect to City utilities and develop a new warehouse structure on the property. The planned development will generate the development of additional jobs for Silverton's manufacturing and production workforce. As such, the proposed annexation will help further the goals and policies of the Economic Element.

Transportation Element

The goal of the Transportation Element is to provide a safe, convenient, aesthetic, and economical transportation system. The Existing Conditions Plan demonstrates that the site's frontage along Railway Avenue NE was fully improved to City standards when Phase I of the West-Side Gateway project was constructed. Therefore, the proposed annexation complies with the Transportation Element.

Energy Element

The goal of the Energy Element is to conserve and reuse energy resources. The proposed annexation will encourage energy conservation by maximizing employment opportunities that are conveniently located within bicycling and walking distance of housing in Silverton's West-Side area. Energy conservation will also be encouraged through building code compliance when an additional warehouse is developed on the site.

Public Facilities and Services Element

The goal of the Public Facilities and Services Elements of the Comprehensive Plan is to provide orderly and efficient public facilities and services to meet the needs of Silverton residents. As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, adding a curb, and installing a 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Local Street standards.

As indicated by the attached Existing Conditions Plan, public utilities are located in the vicinity of the property and can accommodate commercial and industrial uses on the site. Public water and sanitary sewer service will be provided by connecting to the existing main lines within Railway Avenue NE. Stormwater is currently managed by collecting stormwater on the site and discharging it into the drainageway on the north side of Railway Avenue. Since utilities within Railway Avenue were upgraded during the last 10 years, and the subject property is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, these public facilities were sized to accommodate full development of the site.

Citizen Involvement Element

The goal of the Citizen Involvement Element is to ensure that residents in the planning area have an opportunity to be involved in all phases of the planning process. As discussed throughout this Applicant's Statement, the subject site is located within the West-Side Land Use and Transportation Plan area. In 2011, a series of interactive community workshops were initiated by the City of Silverton to develop a vision for Silverton's West-Side area. The project was guided by a Project Advisory Committee comprised of local residents, business owners, local organizations, government agencies, and elected officials. As a result of this effort, an urban design framework and transportation plan strategies were identified to ensure that future development was consistent with the community's vision. On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City's Comprehensive Plan.

The requested Minor Annexation land use application is required to follow the City's Type IV review procedure. With public hearings held before the Planning Commission and City Council, the submitted land use application will satisfy the goal and policies of the Citizen Involvement Element of the Comprehensive Plan. The public hearings allow an un-biased decision-making body to consider citizen input, the City's staff report, and findings from the submitted application when determining whether the proposal meets the City's clear and objective review criteria. As required, the public hearings will be noticed in advance of the meetings.

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

COMMENT:

The subject site is currently located within Silverton's Urban Growth Boundary, therefore the property is also included in the City's public facilities, services, and transportation system planning area. The City's Transportation System Plan, Water Master Plan, Sewer Master Plan, and Storm Water Master Plan have evaluated existing public facilities and services in the vicinity of the subject site and have determined needs for future development. Public facility needs for the subject site were also evaluated during development of the West-Side Land Use and Transportation Plan, which is a refinement of the City's Transportation System Plan.

The Existing Conditions Plan demonstrates that adequate public facilities, services, and transportation networks are in place to serve the subject property. Phase I of the West-Side Gateway project widened the south side of Railway Ave NE, installed drainage improvements, and added a curb and sidewalk, bringing the site's frontage into compliance with Local Street standards. Also, when the Fire District extended the sanitary sewer main and connected to City service in 2019, a sewer lateral was installed and capped for 827 Railway Avenue NE. The attached Existing Conditions Plan indicates that a water main is currently located on the north side of Railway Avenue. Following the annexation, public water and sanitary sewer connections will be made for the existing warehouse structure. Stormwater will continue to be managed by collecting stormwater on the site and discharging it into the drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton's Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the adjacent public facilities were sized to accommodate full development of the site.

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

COMMENT:

The attached Existing Conditions Plan demonstrates that recent transportation improvements to Railway Avenue meet current Local Street standards. As discussed above, upgrades to public sanitary sewer and storm facilities within Railway Avenue were also recently made in conformance with City Master Plan requirements. In addition, the existing public water line within the right-of-way has the capacity to serve full development of the site. Therefore, additional public facilities are not required to serve the annexation territory.

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

COMMENT:

The attached Existing Conditions Plan indicates that the subject property is located adjacent to Silverton Fire District Station 1 to the east, and Storage Deport to the west and south, both of which are currently within the city limits of Silverton. To the north of the site is Railroad Avenue NE, the Union Pacific Railroad right-of-way, and Silverton Road NE. Since this property is an island of land under County jurisdiction that is contiguous to the city limits, the proposed annexation represents a logical direction for city expansion.

- F. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and**

COMMENT:

As indicated by the attached Existing Conditions Plan, the subject property is currently located within Silverton’s Urban Growth Boundary.

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

COMMENT:

Consistent with the current Commercial designation on the Comprehensive Plan Map, the subject site will be automatically zoned GC when the property is annexed. The existing structure on the site is currently used for manufacturing and production activities. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. Per Table 2.3.110, manufacturing and production is permitted in the GC zone when the use is fully enclosed within a structure. Therefore, the proposed use is consistent with the site’s Comprehensive Plan Map designation.

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

COMMENT:

The applicant has demonstrated how the proposed annexation is consistent with the goals of the Silverton Comprehensive Plan under the response to Section 4.10.140(B). The applicant's statement addresses applicable policies of the Silverton Comprehensive Plan in the narrative provided below.

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

COMMENT:

The proposed annexation is a land use application which follows the City's Type IV review procedure. As required by State law, the City's Type IV procedure is consistent with the annexation procedures of ORS Chapter 222. Therefore, the Annexation Application complies with applicable sections of ORS Chapter 222.

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

COMMENT:

The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. In addition, no on-site drainageways or potential wetlands are located on the property.

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

COMMENT:

The Silverton Comprehensive Plan does not identify or designate any portion of the subject site as open space, or as significant scenic, historic or natural resource areas.

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

COMMENT:

The submitted Concept Plan indicates that the site currently contains 9,035 sq. ft. warehouse. An additional 6,000 sq. ft. structure will be constructed in the southwest corner of the property when city services are available following the annexation (see Exhibit 3). The existing and planned manufacturing and production use will help further the goals of the West-Side Land Use and Transportation Plan, which identifies the need for employment opportunities near planned residential uses in the planning area. Another measurable economic benefit of the proposed annexation is the additional property tax revenue will be available for City services. The attached Concept Plan also demonstrates that additional aesthetic enhancements to the gateway area will be provided when landscaping is installed along the street frontage with the future warehouse structure on the site (see Exhibit 3). Based on these factors, the proposed annexation and future development on the site will provide positive effects on the community.

Section 4.10.150: Annexation Applications Involving Comprehensive Plan Amendments.

Applications for annexation involving comprehensive plan amendments submitted by property owners shall be reviewed semi-annually in April and October by the planning commission with a recommendation to the council. The city council, planning commission, or community development director may also initiate plan amendments. Such initiations are made without prejudice towards the outcome.

COMMENT:

The applicant is not requesting a Comprehensive Plan Amendment. Therefore, this section does not apply.

Section 4.10.170: Zoning.

Upon annexation, the zoning of annexed property shall be compatible with the comprehensive plan designation as provided on the annexation zoning matrix. Zoning other than that shown on the matrix requires approval of a comprehensive plan map amendment and/or a zoning map amendment.

COMMENT:

With approval of the proposed annexation, the property will be zoned GC (General Commercial), consistent with the existing Commercial Comprehensive Plan Map designation. As discussed above, existing and planned uses on the site are permitted in the GC zone.

B. SILVERTON COMPREHENSIVE PLAN

URBANIZATION ELEMENT

Residential Development

Policy 7: Orderly Growth

Orderly growth within the residentially designated land between the city limits and the urban growth boundary will be encouraged by discouraging partitions that impede redevelopment at urban densities at a later date.

COMMENT:

The overall goal of the Urbanization Element of the Comprehensive Plan is to provide an adequate supply of buildable residential, commercial, and industrial land within the City's UGB in accordance with state law. Once annexed, the subject site will be located within the General Commercial District, which supports commercial use, light-industrial activities, and job creation. Per the attached Concept Plan, the site can be fully developed with the addition of a 6,000 sq. ft. warehouse after the parcel is annexed and city services are available. Since future development will increase job opportunities, and the property is in close proximity to residential uses in the West-Side Gateway neighborhood, the proposed annexation will promote orderly growth. As such, adding this property to the city limits helps further the Urbanization Element of the Comprehensive Plan.

Industrial Development

Policy 19: Preservation of Industrial Lands

Land designated for industrial use shall be preserved for that use unless the size shape, topography, adjacent uses, or other factors limit the reasonable industrial use of the property.

COMMENT:

The attached Existing Conditions Plan indicates that the subject site is currently developed with a 9,035 sq. ft. warehouse structure with an associated asphalt storage yard and parking area. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. The adopted West-Side Land Use and Transportation Plan indicates that that general commercial, business park, and light-industrial activities are appropriate uses in the West Silverton Employment Area. Following the annexation, when the site is automatically zoned GC, manufacturing and production within a fully enclosed structure will be a permitted use in the zone. Therefore, the proposed annexation and intended use of the site is consistent with the above policy.

Urbanization

Policy 23: Annexation Criteria

COMMENT:

The annexation criteria of this section have been addressed under the applicant's response to Sections 4.10.140(C)-(H) of the Silverton Development Code.

Policy 24: Zoning of Newly Annexed Areas

The City of Silverton will assign zones to the newly annexed areas consistent with the Comprehensive Plan designation. In cases where a Comprehensive Plan map not exist the Council may consider a designation which takes into account the need for housing, level of services as well as the need for other uses.

COMMENT:

The subject site is currently designated Commercial on the Silverton Comprehensive Plan Map. With approval of this Annexation application, the subject property will be automatically zoned GC on the Silverton Zoning Map. As discussed above, the property is currently served with public transportation and utility services meeting City standards.

AGRICULTURAL LANDS ELEMENT

Policy 2: Work with Marion County to ensure orderly growth and redevelopment in the rural residential areas between the city limits and the urban growth boundary. Do not permit subdivisions and partitions that would make redevelopment at urban density economically unfeasible at a later date. Consider proposals for land division only if plans for efficient Redivision of the land at a later date area also presented. Review the redevelopment plans for location of structures before issuing building permits. Encourage Marion County to zone these areas for 5-acre minimum lots. This minimum lot size should be reconsidered after Silverton has developed master sewer and water plans for the area within the urban growth boundary.

COMMENT:

The subject site, which is located within Silverton’s Urban Growth Area, is not utilized for agricultural purposes and is currently zoned Industrial/Commercial by Marion County. Therefore, the proposed annexation and automatic General Commercial zone designation is consistent with the Agricultural Lands Element.

OPEN SPACE, NATURAL AND CULTURAL RESOURCES ELEMENT

Policy 1: Preserve agricultural land uses within the urban growth boundary until the public facilities and services needed for urban development are available.

COMMENT:

The overall goal of this element is to preserve and conserve open space, natural and cultural resources. The Silverton Comprehensive Plan does not identify or designate any portion of the subject site as open space, or as significant scenic, historic or natural resource areas. In addition, the property is not utilized for agricultural purposes. Therefore, the proposed annexation complies with the above policy.

Policy 2: Preserve needed open space through: public acquisition as funds permit, development and maintenance of parkland and school grounds, setbacks, and limits on development in natural hazard areas.

COMMENT:

The attached Existing Conditions Plan demonstrates that there are no open space areas on the subject site. Therefore, the proposed annexation will meet the objectives of this policy.

AIR, WATER, AND LAND RESOURCES ELEMENT

Policy 1: The City will do what is necessary to improve the water and sewerage treatment systems to meet state and federal standards as finances permit.

COMMENT:

The overall goal of this element is to maintain and improve the quality of air, water and land resources. When the subject property is annexed, connections to City sanitary sewer and water facilities will be required for the existing warehouse structure. When an additional warehouse structure is developed in the southwest corner of the site following annexation, the proportional cost of expanding City services will be borne by the developer. Water System and Sanitary Sewer SDCs will be collected when building permits are issued for the development. Therefore, the proposed Annexation and future development will help further the objectives of this policy.

NATURAL HAZARDS ELEMENT

Policy 1: The City will prevent development in the areas of natural hazard unless special design features adequately insure the safety and protection of life and property.

COMMENT:

The overall goal of the Natural Hazards Element is to protect life and property from natural disasters and hazards. The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. Therefore, the proposed will meet the goal of this element and the objectives of this policy.

HOUSING ELEMENT

Policy 4: Encourage planned unit development, mixed use housing, and mixed housing with commercial uses as a means for broadening housing choices and creating sustainable neighborhoods.

COMMENT:

The overall goal of the Housing Element is to meet the projected housing needs of citizens in the Silverton area. The above policy encourages locating housing near commercial uses. As mentioned previously, additional job opportunities will be provided with the annexation since the applicant is planning to develop an additional warehouse structure on the site for manufacturing and production. Since the subject property is conveniently located near residential uses to the south of the site, a more sustainable neighborhood can be developed in the West-Side Area.

ECONOMY ELEMENT

Policy 1: Provide land for light industrial development in an industrial park setting.

COMMENT:

The overall goal of the Economy Element is focused on the diversification and improvement of the local economy. Based on community discussions about the aesthetics of the West-Side, as well as an analysis of residential verses industrial land use needs, the West-Side Land Use and Transportation Plan indicates that light-industrial and business park uses are desired for the area. With the automatic rezoning of the property to GC, light industrial uses such as manufacturing and production will be permitted within fully enclosed buildings, consistent with the area plan.

The attached Existing Conditions Plan indicates that the subject site is currently developed with a 9,035 sq. ft. warehouse structure with an associated asphalt storage yard and parking area. The building contains Kaufman Mason, which is operated by the applicant and property owner, Railway Investments LLC. The attached Concept Plan indicates that following the proposed annexation, the applicant intends to develop an additional 6,000 sq. ft. warehouse structure in the southwest corner of the site for manufacturing and production use. As such, the proposed Annexation will meet the goal of this Economic Element and the objectives of this policy.

TRANSPORTATION ELEMENT

D. Street System

Policy 1: New street improvements shall be consistent with the general location, functional classification, and typical cross-sections (street standards) as set forth in the TSP.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, and installing a curb and 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Local Street standards, consistent with the goal of this element and the objectives of this policy.

Policy 5: In recognition that the entry points into the community along North First Street, Silverton Road, Oak Street, Pine Street, and South Water Street, will be some of the most heavily traveled routes into the community by tourists, the City of Silverton will develop strategies for "gateway" improvements.

COMMENT:

The community gateway on Silverton Road was studied during the development of the West-Side Land Use and Transportation Plan. As discussed above, gateway improvements with Phase I of the West-Side Gateway project included the installation of street improvements along the site's Railway Avenue frontage.

F. Pedestrian System

Policy 2: All new developments shall provide a sidewalk with curbs and gutters and storm drainage facility along the frontage of any arterial, collector, or residential street. Any requirement for off-street improvements shall be based on a rough proportionality of the impact of the new development.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, a sidewalk and curb were previously installed along the Railway Avenue frontage in accordance with City standards (see Exhibit 3).

ENERGY ELEMENT

Policy 4: "Strip" commercial and residential "sprawl" will be discouraged to reduce the number and length of automobile trips. "Mixed use" areas that combine residential uses with neighborhood commercial activities will be encouraged as an alternative.

COMMENT:

The subject property is currently located adjacent to a commercial use to the west and south, and institutional use to the east of the site. To the southwest is the West-Side Gateway project, which includes single-family and multi-family housing. The overall goal of the Energy Element is to conserve and reuse energy resources. When the site is annexed, the applicant intends to develop another warehouse structure on the site for light industrial manufacturing and production. Therefore, the annexation will help further the goal to establish and support the development of a mixed use area that provides convenient access for pedestrians and bicyclists, and discourage the number and length of automobile trips.

Policy 5: As need is shown and as funds become available the City will encourage establishment of a bike and pedestrian path system that connects residential areas with employment centers.

COMMENT:

As mentioned previously, Phase I of the West-Side Gateway project included the installation of a sidewalk and the widening of Railway Avenue. Therefore, there is an existing continuous pedestrian and bicycle connection between the residential neighborhood to the southwest of the site, and also to the commercial uses to east of the site (see Exhibit 3).

PUBLIC FACILITIES AND SERVICES ELEMENT

COMMENT:

The overall goal of the Public Facilities and Services Elements of the Comprehensive Plan is to provide orderly and efficient public facilities and services to meet the needs of Silverton residents. The attached Existing Conditions Plan indicates that access to the site is currently provided from Railway Avenue NE, which was recently upgraded to meet Local Street standards. Following the proposed annexation, connection to the existing sanitary sewer and water main lines within Railway Avenue will be provided for the existing warehouse structure. Stormwater will continue to be managed by collecting drainage from impervious surfaces and discharging it into the public drainageway along the north side of Railway Avenue. Therefore, the proposed annexation will meet the goal of the Public Facilities and Services Element.

CITIZEN INVOLVEMENT ELEMENT

COMMENT:

The goal of the Citizen Involvement Element is to ensure that residents in the planning area have an opportunity to be involved in all phases of the planning process. As required, the proposed Annexation application will follow the City's Type IV review procedure, in accordance with this element.

C. STATEWIDE PLANNING GOALS

GOAL 1: CITIZEN INVOLVEMENT

Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."

COMMENT:

As mentioned throughout this Applicant's Statement, a series of interactive community workshops were initiated by the City of Silverton to develop a vision for Silverton's West-Side Area. The project was guided by a Project Advisory Committee comprised of local property owners and residents, business owners, local organizations, government agencies, and elected officials. As a result of this effort, an urban design framework and transportation plan strategies were identified to ensure that future development was consistent with the community's vision. On June 3, 2013, the Silverton City Council adopted the West-Side Land Use and Transportation Plan as a supporting document to the City's Comprehensive Plan. The subject site is included in the West-Side Area, and is designated Commercial on the Silverton Comprehensive Plan Map.

The submitted Annexation application will follow the City's Type IV review procedure. With public hearings held before the Planning Commission and City Council, the submitted land use application will satisfy the Citizen Involvement Statewide Planning Goal. Notice of the public hearings will be posted in accordance with the City's Type IV review procedure. As a result, the proposed annexation allows citizens to be involved in all phases of the planning process.

GOAL 2: LAND USE PLANNING

Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

COMMENT:

The submitted Annexation application is required to follow the City's Type IV review procedure. Public hearings will be held to allow an un-biased decision-making body to evaluate factual information and determine whether the application meets the City's clear and objective land use review criteria. This Applicant's Statement addresses how the submitted application meets all of the applicable review criteria.

In 2013, after a detailed evaluation of community preferences and land use needs, the West-Side Land Use and Transportation Plan was adopted as a supporting document to the Comprehensive Plan. The proposed annexation and the low-impact light industrial use for the subject site is consistent with this plan. Therefore, the proposal satisfies the Land Use Planning Goal.

GOAL 3: AGRICULTURAL LANDS

Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.

COMMENT:

As mentioned previously, the subject site is currently under Marion County jurisdiction and is zoned Industrial/Commercial. Therefore, the County has not inventoried the subject property as agricultural land and is not preserving the site through farm zoning. As a result, the proposed annexation is consistent with the Agricultural Lands Planning Goal.

GOAL 4: FOREST LANDS

Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

COMMENT:

The subject site is currently zoned IC by Marion County. Since the property does not include designated forest lands, the proposed use will not impact this Statewide Planning Goal.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Summary: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

COMMENT:

The subject site is currently developed for light industrial and commercial uses. Per City and County maps, the site does not contain designated open spaces, or significant natural or cultural resources. Therefore, the proposed annexation and use of the site complies with the objectives of this Statewide Planning Goal.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

COMMENT:

Following the proposed annexation, public water and sanitary sewer services will be extended to the existing warehouse structure on the subject property. City utility services will also be extended to the future warehouse building in the southwest corner of the site. As required, stormwater management will occur in accordance with City standards. As such, the proposed annexation complies with this Statewide Planning Goal.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

COMMENT:

The City of Silverton maintains maps of steeply sloped areas and floodplains within the City's Urban Growth Boundary area. The attached Existing Conditions Plan demonstrates that there are no floodplains or steeply sloped areas on the subject site. Therefore, the proposed annexation complies with City safeguards to prevent new development in areas which are subject to natural disasters and hazards.

GOAL 8: RECREATION NEEDS

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

COMMENT:

The subject site is designated Commercial on the City Comprehensive Plan Map. There are no identified or designated open spaces, or significant scenic, historic, or natural resources or recreation areas on the property. Therefore, the current use and future development on the site will not impact the Recreation Needs Goal.

GOAL 9: ECONOMIC DEVELOPMENT

Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

COMMENT:

With the proposed annexation, the subject property will be automatically zoned General Commercial, consistent with the designation in the West-Side Land Use and Transportation Plan. This area plan was adopted by the City in 2013 as a supporting document to the Comprehensive Plan. The subject site was included in the “West Silverton Employment Area”, with a focus on job growth in commercial and light-industrial business sectors. Therefore, with the planned development of an additional warehouse structure for manufacturing and production on the site, the proposed annexation will help diversify the local economy, and will help provide additional developable land for commercial and light industrial uses.

GOAL 10: HOUSING

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

COMMENT:

The applicant’s proposal to annex the site and develop another warehouse will provide additional job opportunities for nearby residential neighborhoods. As such, the proposal helps support Housing Planning Goal.

GOAL 11: PUBLIC FACILITIES AND SERVICES

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

COMMENT:

The Existing Conditions Plan demonstrates that adequate public services are in place to serve the subject property. When the Fire District extended the sanitary sewer main in Railway Avenue and connected to City service in 2019, a sewer lateral was installed and capped for the subject site. The attached Existing Conditions Plan indicates that public water can be provided by connecting to the main on the north side of Railway Avenue. Stormwater will continue to be managed by collecting stormwater on the site and discharging it into the public drainageway on the north side of Railway Avenue. Since the subject property is included in Silverton’s Water, Sanitary Sewer, and Stormwater Master Plan planning areas, the recently upgraded public facilities were sized to accommodate full development of the site.

GOAL 12: TRANSPORTATION

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

COMMENT:

As demonstrated by the attached Existing Conditions Plan, the subject property is located adjacent to Railway Avenue NE. When public facilities for Phase I of the West-Side Gateway project were constructed, additional right-of-way was dedicated along the road frontage. The West-Side Gateway improvements included increasing the street pavement width to 30-ft., providing storm system improvements, and installing a curb and 5-ft. sidewalk along the street frontage. Therefore, the site's road frontage currently complies with Local Street standard. These facilities provide a safe route between the residential neighborhood to the southwest of the site and existing commercial uses to the east of the subject property. As such, existing transportation facilities in the vicinity of the site meet the Transportation Statewide Planning Goal.

GOAL 13: **ENERGY**

Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

COMMENT:

The proposed annexation will encourage energy conservation by fully developing the subject property with light industrial uses which are conveniently located within bicycling and walking distance of the West-Side Gateway residential neighborhood to the southwest of the site. Energy conservation will also be encouraged through building code compliance when an additional warehouse is developed on the site. Therefore, the proposed annexation is consistent with the Energy Planning Goal.

GOAL 14: **URBANIZATION**

Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

COMMENT:

To address commercial and industrial land needs, the City directed the preparation of an Economic Opportunity Analysis in 2011. This plan was used to designate an adequate supply of Commercial land on the Comprehensive Plan Map. The adopted 2013 West-Side Land Use and Transportation Plan also designated the subject site within West Silverton Employment Area and encouraged the development of a business park and low-impact industrial uses. The subject site is currently zoned Industrial/Commercial by Marion County within this Employment Area, and the property is not currently utilized for rural or agricultural purposes. Upon annexation, the site will be automatically zoned General Commercial and may be fully developed for commercial and light industrial uses. Therefore, the proposed annexation separates urbanizable land from rural land, and is consistent with the Urbanization Planning Goal.

V. SUMMARY AND CONCLUSIONS

Based upon the findings of this Applicant's Statement and submitted exhibits, the applicant has demonstrated compliance with relevant sections of the Silverton Development Code, Statewide Planning Goals, and Silverton Comprehensive Plan. Therefore, the applicant requests that the submitted application be approved.

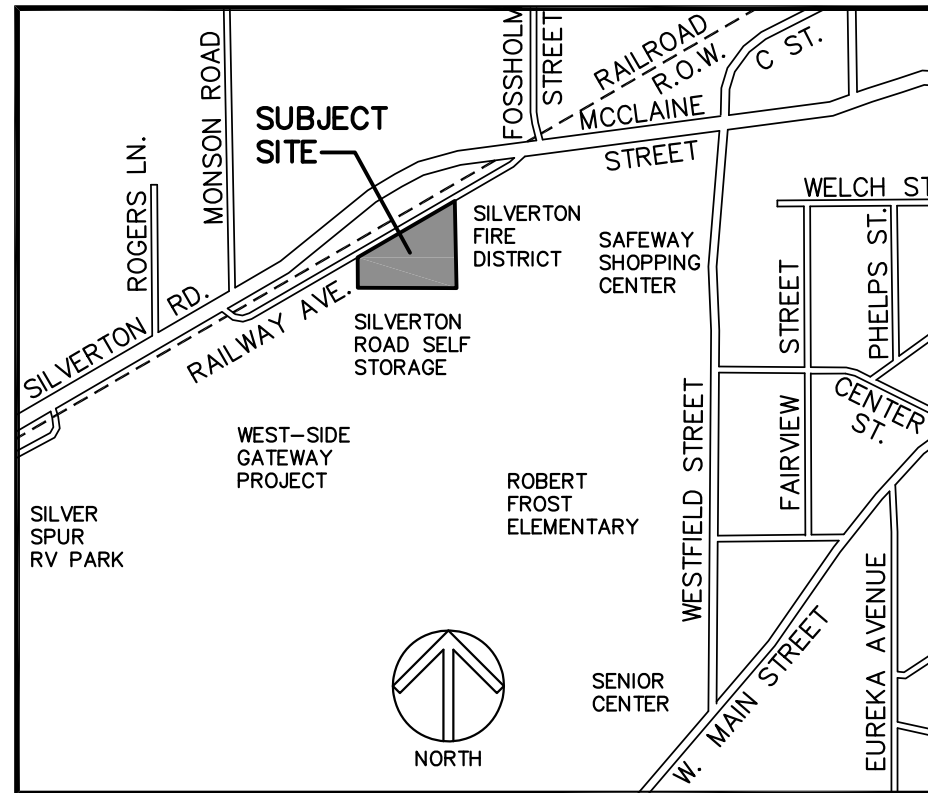
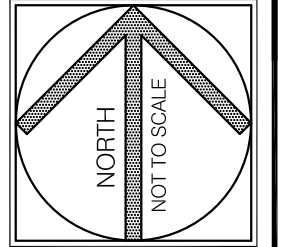
PRELIMINARY PLANS

EXHIBIT 3

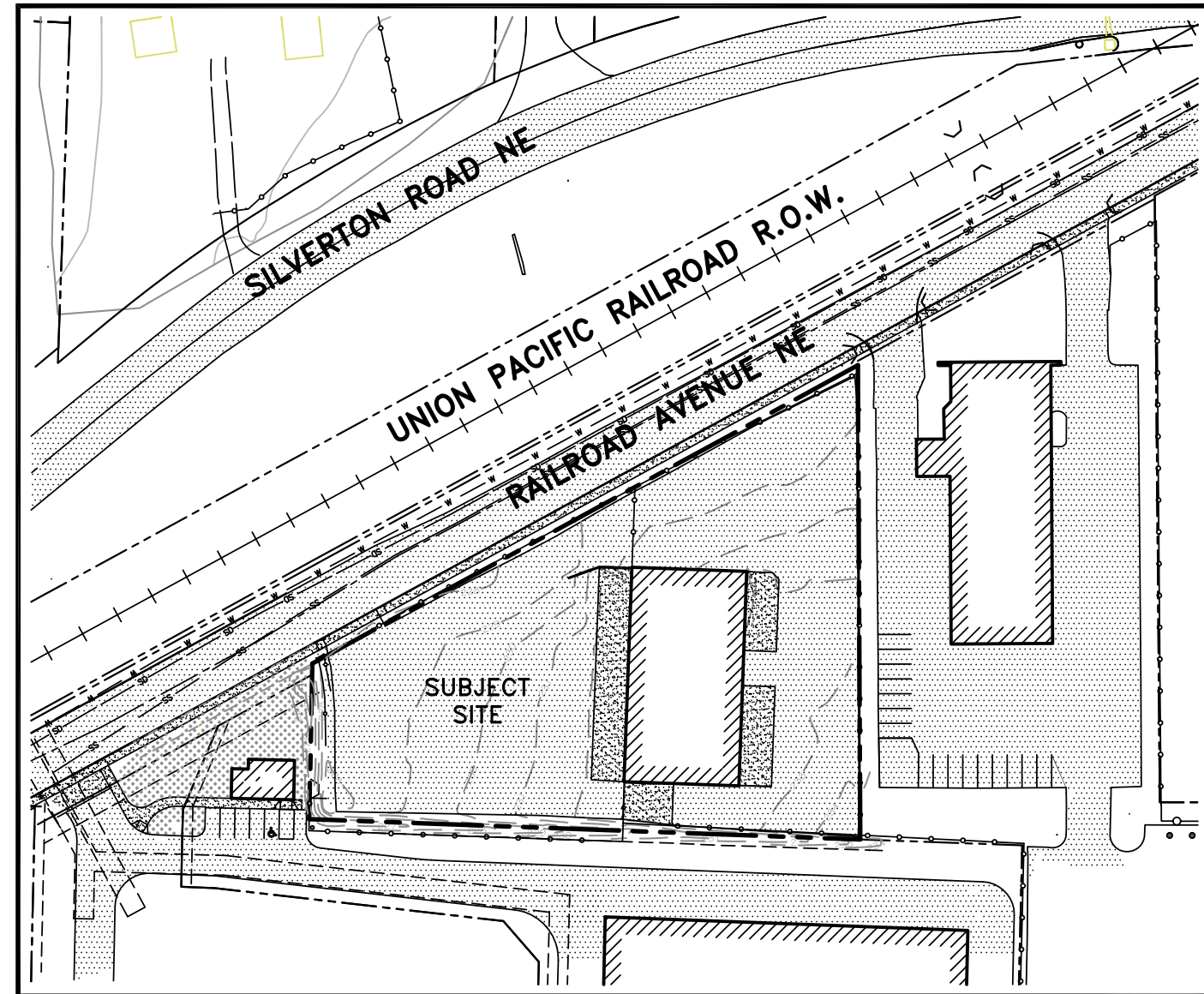
RAILWAY INVESTMENTS ANNEXATION

SILVERTON, ORE.

Cascadia
 Planning + Development Services
 PO Box 1920
 Silverton, Oregon 97381
 503-804-1089
 steve@cascadiapd.com
 www.cascadiapd.com



VICINITY MAP



SITE MAP

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- P-2 EXISTING CONDITIONS PLAN
- P-3 ANNEXATION AND ZONING MAP
- P-4 CONCEPT PLAN

APPLICANT / PROPERTY OWNER

RAILWAY INVESTMENTS ANNEXATION
 827 RAILWAY AVENUE NE
 SILVERTON, OR 97381
 503-510-9431
 CONTACT: FRED KAUFMAN

APPLICANT'S REPRESENTATIVE

CASCADIA PLANNING + DEVELOPMENT SERVICES
 PO BOX 1920
 SILVERTON, OR 97038
 503-804-9294
 CONTACT: STEVE KAY, AICP

CITY OF SILVERTON LAND USE APPLICATION
RAILWAY INVESTMENTS ANNEXATION

TAX LOT 1200 TAX MAP 131E29DA
 LINN COUNTY, OREGON

3681 GREEN RIVER ROAD
 SWEET HOME, OR 97386

COVER SHEET

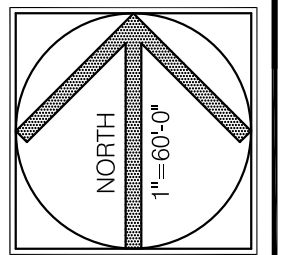
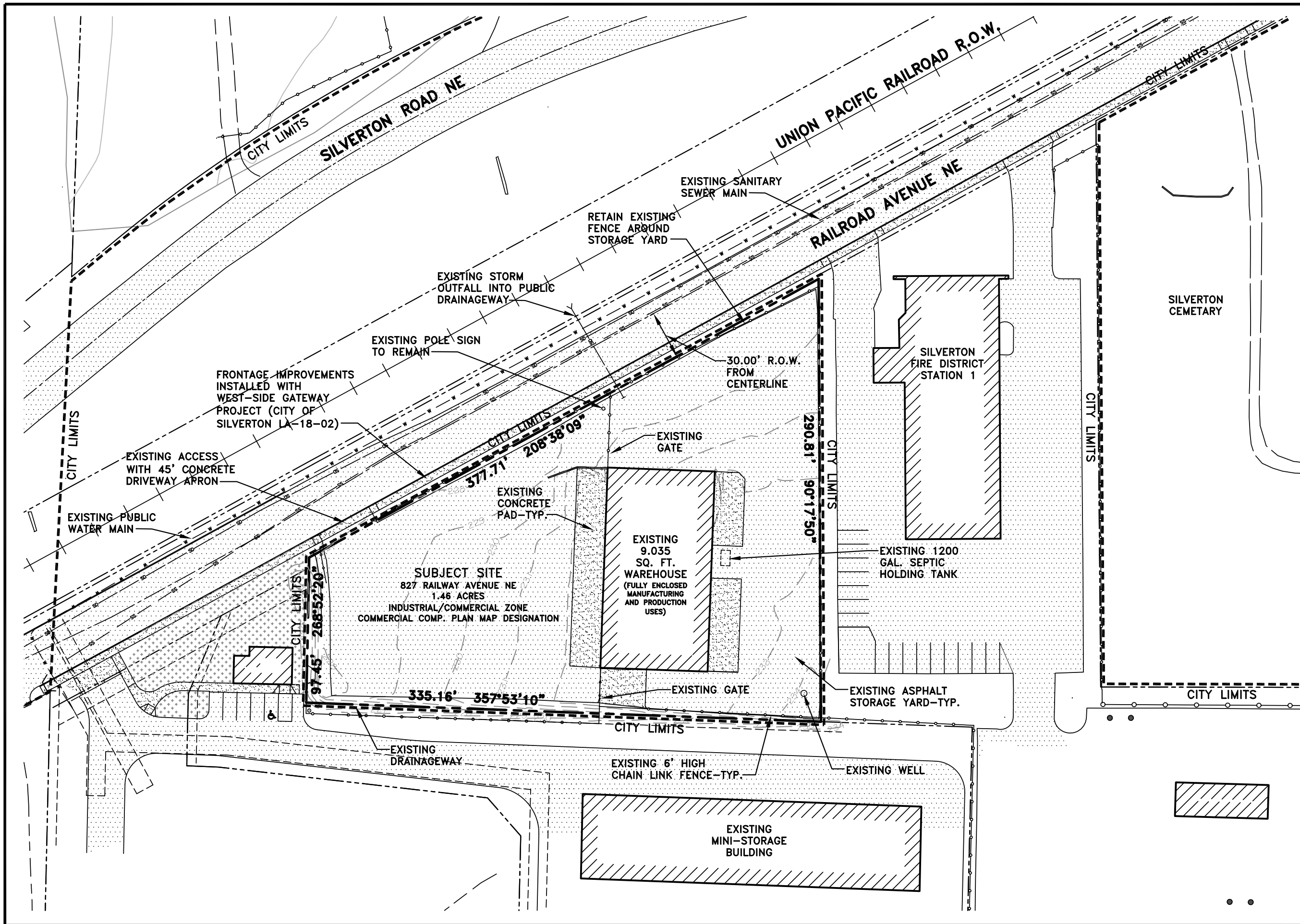
AUGUST 24, 2023

REVISIONS



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SHEET 1 OF 4

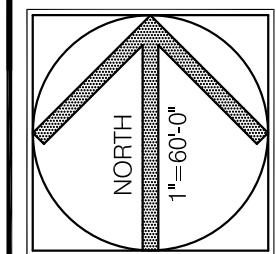
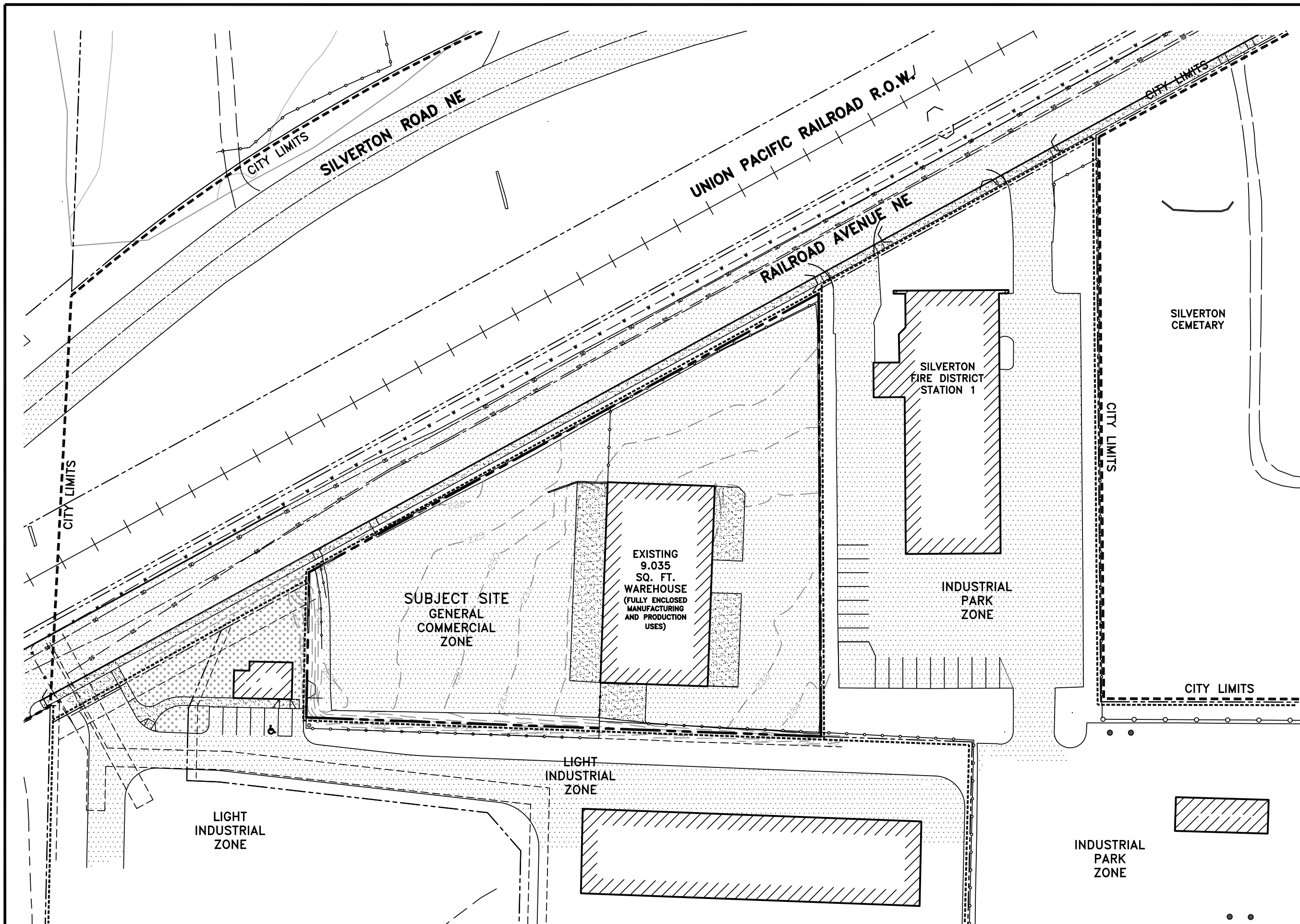


CITY OF SILVERTON LAND USE APPLICATION
RAILWAY INVESTMENTS ANNEXATION
 TAX LOT 700 TAX MAP 61W34CA
 MARION COUNTY, OREGON
 827 RAILWAY AVENUE NE
 SILVERTON, OR 97381

EXISTING CONDITIONS
 AUGUST 24, 2023

REVISIONS
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CITY OF SILVERTON LAND USE APPLICATION
RAILWAY INVESTMENTS ANNEXATION
 TAX LOT 700 TAX MAP 61W34CA
 MARION COUNTY, OREGON

827 RAILWAY AVENUE NE
 SILVERTON, OR 97381

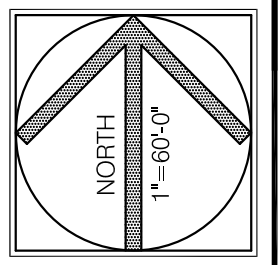
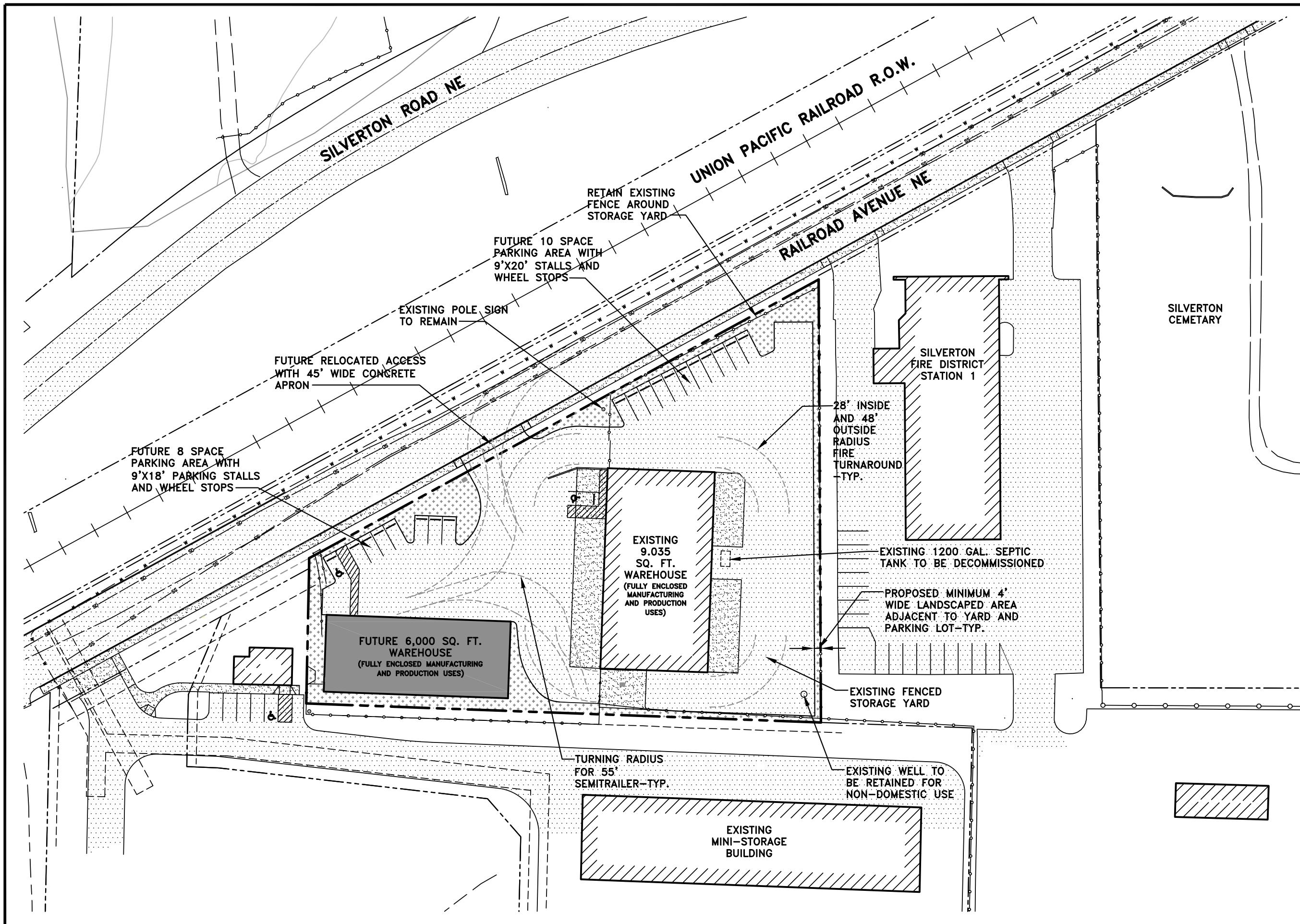
ANNEXATION AND ZONING MAP

AUGUST 24, 2023

REVISIONS
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SHEET 3 OF 4



CITY OF SILVERTON LAND USE APPLICATION
RAILWAY INVESTMENTS ANNEXATION
 TAX LOT 700 TAX MAP 61W34CA
 MARION COUNTY, OREGON
 827 RAILWAY AVENUE NE
 SILVERTON, OR 97381

CONCEPT PLAN
 AUGUST 24, 2023
 REVISIONS
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 SHEET 4 OF 4

ATTACHMENT C: STAFF REPORT, AN-23-01

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on September 12, 2023 requesting annexation of a 1.48 acre parcel of land that is outside the City Limits.
2. Notice was mailed to all property owners within 700 feet of the subject area on October 25, 2023. As of this writing, November 7, 2023, no written testimony has been received. The notice was published in the Statesman Journal on November 1, 2023. The site posted on November 2, 2023.
3. This annexation will allow the property to connect to the City Sewer and Water system.

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 September 12, 2023, meeting Criterion A. 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 will be before the Planning Commission November 14, 2023 and will be before the City Council December 4, 2023.

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 currently has driveway access off Railway Ave NE which is classified as a local roadway under Marion County jurisdiction. 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 not located in the Area of Special Mutual Concern. This annexation request is for the existing building and the future 6,000 square foot building on the property to acquire city water and sewer services. The zoning of the site is Industrial Commercial and will be zoned General Commercial.

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 (UGB), 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 Comprehensive Plan upon annexation. This staff report will review the proposal for conformity with all other requirements of the city's ordinances. Criterion 2 is met.

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 obtain City water and sewer service. The water and sewer systems are already in place and are available to the site. The applicant will have to pay Water and Wastewater System Development Charges as connecting to the water and sewer system increases the usage of a capital improvement. Criterion 3 is met.

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: Recent road and frontage improvements were completed by the West-Side Gateway development, bringing them up to current standards. Water and sewer mains are available at Railway Avenue NE. The applicant will continue to manage stormwater collection on site and discharge into the public drainage way on the north side of Railway Avenue.

The proposed annexation will not change the existing use of the transportation facilities and public facilities are adequate to serve the areas being annexed, 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. Considering the area is contiguous to the city limits and the parcel is being annexed to obtain city water and sewer services and city water and sanitary sewer services fronts the site, 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, therefore 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 identified on the comprehensive plan map as Commercial and will be zoned General Commercial once annexed 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. The use of the site will not increase beyond its commercial use in conformance with the Comprehensive Plan, thereby meeting Criterion 8.

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 areas within the annexation boundary that are identified as wetlands, floodplains, or steep slopes, therefore 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 have minimal physical and environmental impacts on the community. A 6,000 square foot manufacturing building will be built, and the applicant will be required to connect the new and existing building to water and sewer services and pay the System Development Charges for the impact to the system. The criterion is met.

13. If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

Findings: The property is proposed to be zoned General Commercial, therefore the criterion does not apply.

14. Promotes the timely, orderly and economic provision of public facilities and services; and

Findings: The property is requesting annexation to connect to the water and sewer systems. Public facilities already exist fronting the site. This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not.

15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

Findings: The annexation will allow a property that fronts existing City utilities to be annexed and developed in accordance with Silverton Development Code standards. This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not.

III. SUMMARY AND CONCLUSION

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

The Planning Commission is required to hold a public hearing to evaluate the proposed annexation.

The Planning Commission will make a recommendation to the City Council regarding the annexation request and determine how the proposal has or has not complied with the review criteria. The Planning Commission will then forward their recommendation and findings in support of its recommendation to the City Council.

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.

Planning Commission Options:

1. Recommend to the City Council the APPROVAL of the proposed annexation as it meets the review criteria and recommend the City Council adopt findings exempting this annexation from being required to be approved by a majority vote among the electorate.
2. Recommend to the City Council the DENIAL of the proposed annexation as it does not meet the review criteria.
3. Recommend to the City Council a MODIFICATION of the proposed annexation so that it meets the review criteria.

ATTACHMENT D: TESTIMONY

None received.



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

PC STAFF REPORT

PROCEDURE TYPE III

FILE NO. ZC-23-01

LAND USE DISTRICT:

R-1, SINGLE FAMILY RESIDENTIAL

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 071W03A

LOT#: 00600

SITE SIZE: 5.15 ACRES

ADDRESS: 602 EUREKA AVE.

APPLICANT:

CHARLES WEATHERS, ORREO, LLC

PO BOX 2717

SALEM, OR 97308

APPLICANT'S REPRESENTATIVE

BRITANY RANDALL, BRAND LAND USE, LLC

12150 JEFFERSON HWY 99E SE

JEFFERSON, OR 97352

CONTACT PERSON:

BRITANY RANDALL 503-680-0949

PROPERTY OWNER:

CHARLES WEATHERS, ORREO, LLC

PO BOX 2717

SALEM, OR 97308

LOCATION: LOCATED ON THE SOUTHWEST SIDE OF EUREKA AVE BETWEEN WOODLAND DRIVE NE AND VICTORIA LANE.

PROPOSED DEVELOPMENT ACTION: ZONE CHANGE APPLICATION TO CHANGE THE ZONING OF 602 EUREKA AVENUE FROM R-1, SINGLE FAMILY RESIDENTIAL TO R-5, LOW DENSITY RESIDENTIAL. THE SITE IS 5.15 ACRES IN AREA AND IS CURRENTLY VACANT.

DATE: NOVEMBER 7, 2023

Attachments

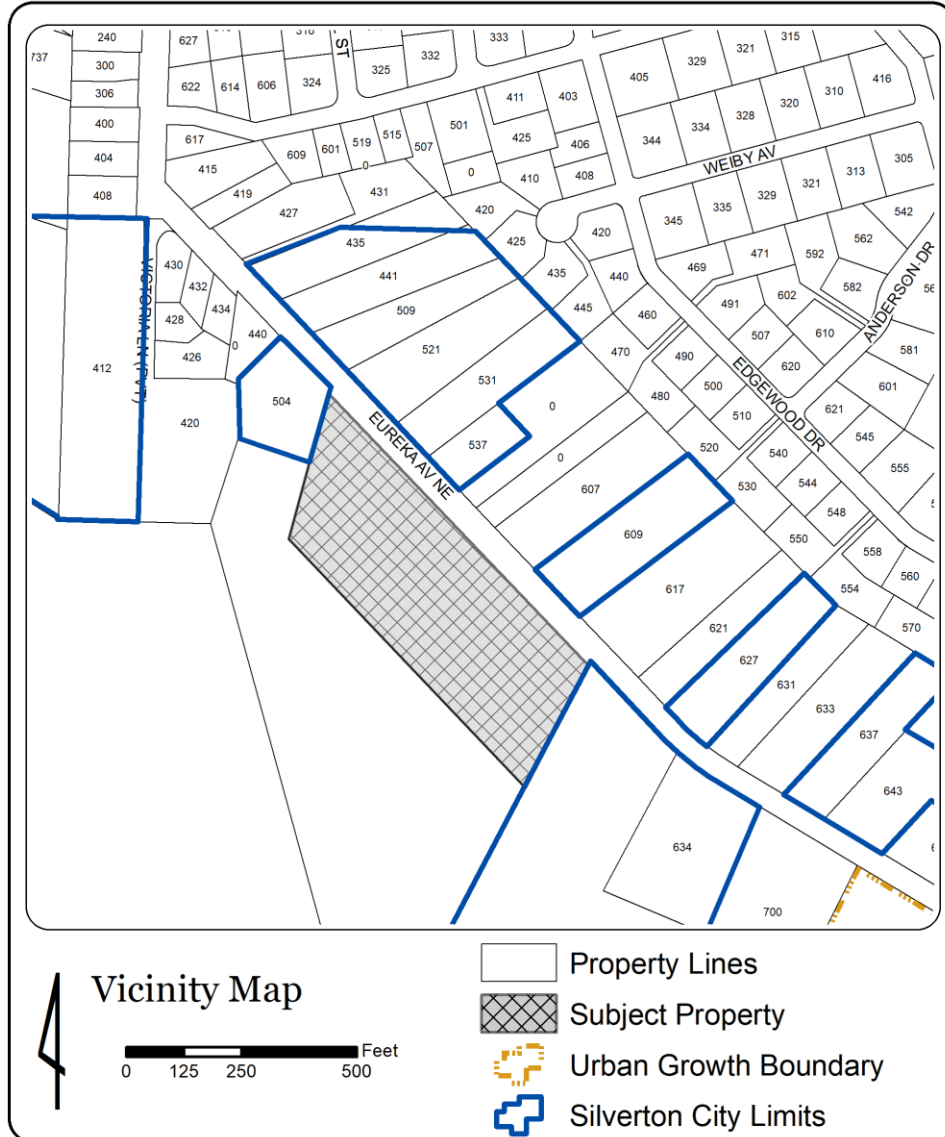
- A. Vicinity Map and Review Criteria
- B. Applicant's Narrative
- C. Conditions of Approval
- D. Staff Report
- E. Testimony

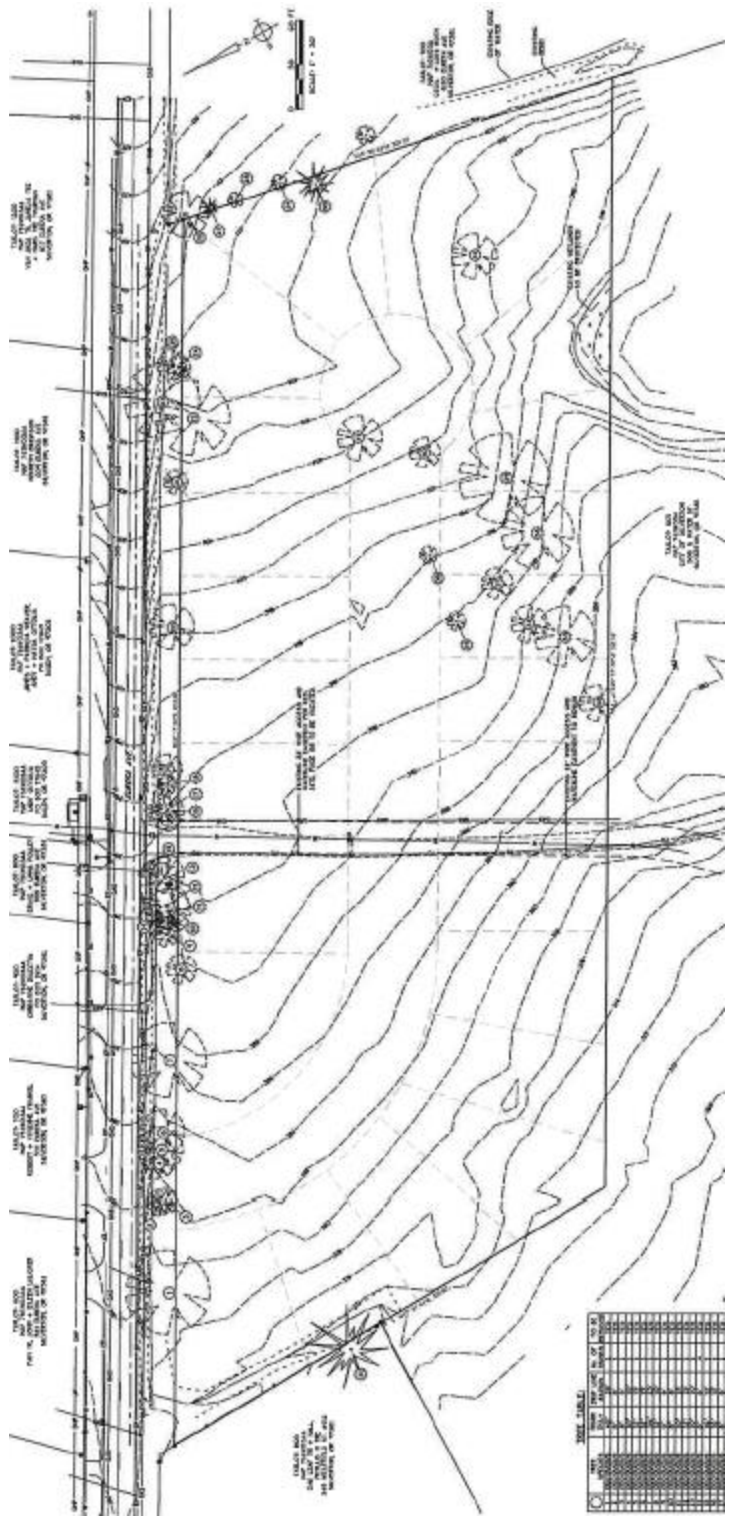
ATTACHMENT A: VICINITY MAP & SITE PLAN

Case File: ZC-23-01

Vicinity Map and Surrounding Land Use Districts

- North – R-1, Single Family Residential
- East – R-1, Single Family Residential
- South – P, Public Overlay
- West – R-1, Single Family Residential





ATTACHMENT B: APPLICANT'S FINDINGS

Zone Change from R-1 to R-5

Submittal Date: October 2023

Submitted To: City of Silverton
Planning Department

Project Location: Marion County Map and Tax Lot
Numbers 071W03A000600

Applicant(s): Charles Weathers
Owner

Applicant's Land Use
Representative: Britany Randall of BRAND Land Use
Britany@brandlanduse.com



BRAND

FEASABILITY | PLANNING | LAND USE

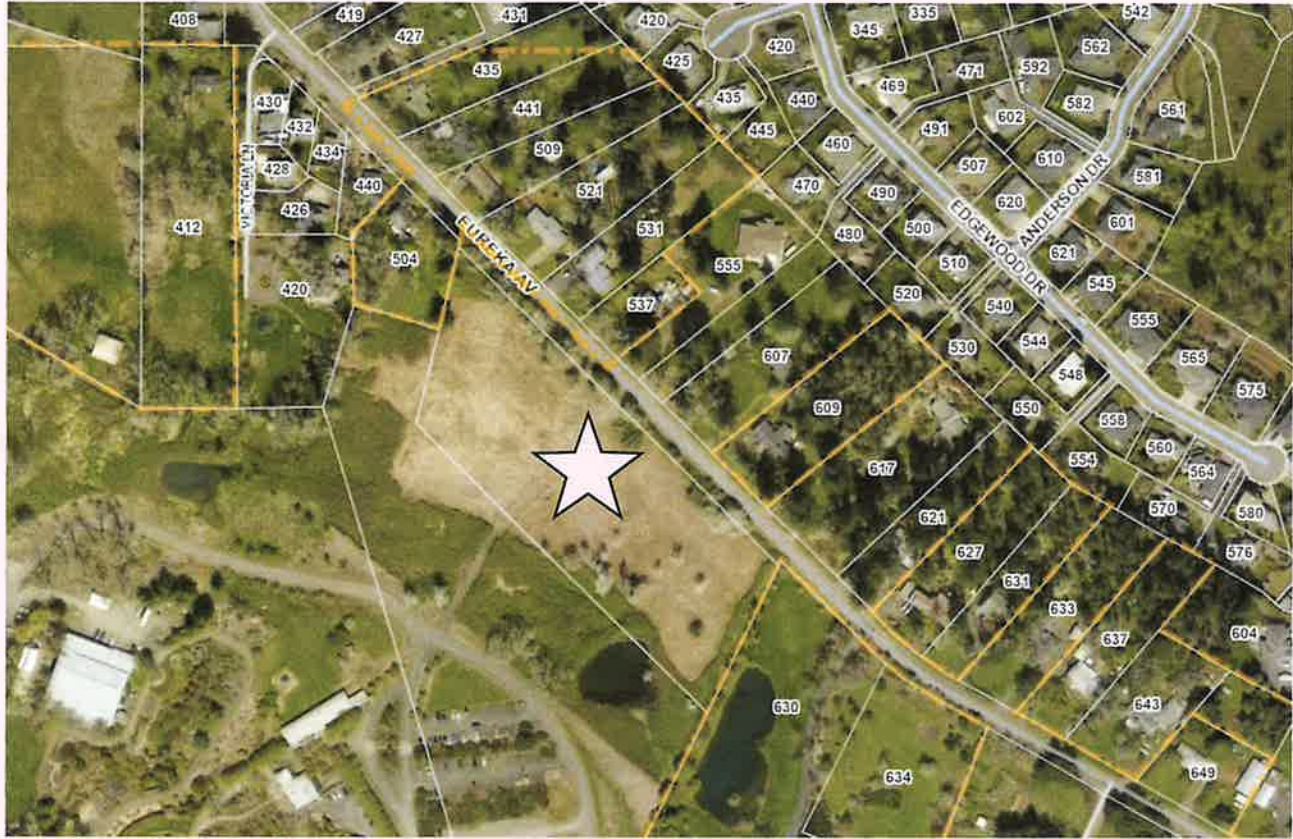
BRANDLANDUSE.COM

503.680.0949

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Arial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicant, Garden Grove Development, LLC, is presenting an application for a zoning map change to the City of Silverton's Zoning Map where the designation of the subject property is currently R-1, Single Family Residential and R-5, Low Density Residential is proposed.

The subject property is located along Eureka Avenue, directly abutting the Oregon Garden property along its northeasterly boundary. A 22-foot wide access easement bisects the subject property for the benefit of the Oregon Garden. The site is and has been void of structures as far back as documentation is available. A beautiful, natural, and mature landscape border exists among most of the perimeter of the site with a meadow in the center clearing. The site was previously subject of a subdivision application for which approval was granted.

The population of the City of Silverton has both steadily and dramatically increased every decade since the late 1800's, with the exception the 1960's when the city saw an approximate 2.1 percent decrease in population. The city is full of small town charm and is close to some of the most beautiful natural features in Oregon. Additionally, the city is situated close to larger metropolitan areas which provide robust employment opportunities, entertainment

opportunities, recreation opportunities, and shopping opportunities. For these reasons and more, the City of Silverton is a desirable place for people to live and raise their families. An increase in density allowances for properties within the corporate city limits can help provide the housing needed to keep pace with the continued increase in population and the projected housing needs identified in the city's Housing Needs Analysis.

The size (5.15 acres), shape, topography, availability of public infrastructure, and location of the subject site, identified as Marion County Map and Tax Lot Numbers 071W03A000600, make it ideal for an increased residential density. Throughout this narrative, the applicant demonstrates how the burden of proof is met and provides legally defensible factual findings to all applicable criteria. This narrative also demonstrates the need for increased densities and diverse housing types within the city, and suggests why this would be beneficial to the city as a whole.

Section 2: Existing Conditions

The development site is approximately 5.15 acres in size and is described as Marion County Assessor Map and Tax Lots 071W03A000600, a Marion County Tax Map is included within the exhibits section of this submittal.

The site is located within corporate City limits of the City of Silverton. The City of Silverton Comprehensive Plan Map designates the subject property as "Single Family". The Comprehensive Plan designations of surrounding properties include:

North: Across Eureka Avenue, Single Family

South: Single Family

East: Single Family

West: Single Family

The subject property is zoned R-1 (Single Family Residential). Surrounding properties are zoned as follows:

North: Across Eureka Avenue, R-1 (Single Family Residential) and enclaves outside city limits

South: P (Public)

East: R-1 (Single Family Residential)

West: R-1 (Single Family Residential)

Section 3: Applicable Zoning Codes

Chapter 1.4 – General Administration

1.4.100 – Severability

1.4.200 – Compliance and Scope

1.4.300 – Consistency with Plan and Laws

1.4.400 – Use of a Development

1.4.700 – Official Action

1.4.800 – Approval Compliance

Chapter 1.6 – Use Categories

1.6.110 – Household Living

Chapter 2.1 – Organization of Land Use Districts

2.1.100 - Classification of Land Use Districts

2.1.200 – Land Use District Map

Chapter 2.2 Residential (R) Districts

2.2.100 Residential districts – Purpose and applicability.

2.2.110 Residential districts – Allowed land uses.

Chapter 2.7 – Wetlands and Riparian (WP) Overlay District

2.7.110 – Wetland – Purpose

2.7.120 – Applicability

Chapter 4.1 Types of Review Procedures

4.1.100 Purpose and applicability of review procedures.

4.1.400 Type III procedure (quasi-judicial).

4.1.600 General provisions applicable to all reviews – 120-day rule – Time computation – Pre-application conferences – Acceptance and review – Community development director’s duties – Amended applications – Resubmittal – Appeals.

Chapter 4.7 Zoning Map and Development Code Text Amendments

4.7.100 – Amendments – Purpose

4.7.300 – Quasi-Judicial Amendments

4.7.600 – Transportation Planning Rule Compliance

Section 4: Findings Applicable to Administrative Procedures

Chapter 1.4 – General Administration

Section 1.4.100 – Severability

The provisions of this development code are severable. If any section, sentence, clause or phrase of the development code is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the development code.

Applicant’s Findings: *The applicant understands the provisions of this code are severable and any remaining portion of the code is still valid and apply to this submittal. As applicable, the applicant has provided responses to each criterion below.*

Section 1.4.200 – Compliance and scope

- A. Compliance with the Provisions in the Development Code. Land and structures may be used or developed only as this development code (“code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued or valid without compliance with the provisions of this code and all permits, approvals, and conditions of approval issued under it.

Applicant’s Findings: *This application is not for development or a land division. The applicant understands no plats or building permits may be recorded or issued prior to compliance with the applicable provisions of this code. The applicant has demonstrated compliance with criteria related to a zone change within this narrative. This criterion will be met.*

- B. Obligation by Successor. The requirements of this code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest. Development approvals and applicable conditions shall run with the land. The approval transfers to a new owner if the property is sold or otherwise transferred, unless specifically conditioned otherwise.

Applicant’s Findings: *The applicant understands development approvals and conditions run with the land and if ownership shall change, no modifications will be made to any approvals granted.*

- C. Transfer of Development Standards Prohibited. No lot area, yard, landscaping, or open space that is required by this code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this code.

Applicant's Findings: *The applicant understands in accordance with this criterion, transferring development standards is prohibited.*

Section 1.4.300 – Consistency with plan and laws

This development code is designed to implement the city of Silverton comprehensive plan. All provisions of this code shall be construed in conformity with the adopted comprehensive plan and applicable state and federal laws.

Applicant's Findings: *The applicant understands that compliance with the City of Silverton Development Code means compliance with the City of Silverton Comprehensive Plan and thereby compliance with Oregon's Statewide Planning Goals. As applicable, the request meets the criteria for approval of the zone change.*

Section 1.4.400 – Use of a development.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this code and has received the applicable approvals (e.g., design review, land division, public improvement permits, state and federal regulations) and is not prohibited by law.

Applicant's Findings: *The applicant understands upon use of their future development, it must be a permitted use and receive all applicable approvals for the use. This criterion will be met.*

Section 1.4.700 – Official action.

- A. Official Action. The city official and his or her designees are vested with authority to issue permits or grant approvals in conformance with this code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this code.

Applicant's Findings: *The applicant understands the city's review authority's responsibility to only issue permits or grant approvals for proposals which are in conformance with the Silverton Development Code applicable sections.*

- B. Declaring a Prior Decision Void. Any permit or approval issued or granted that fails to comply with the provisions of this code or the code in force at the time the permit or approval was granted may be declared void by the city. The reviewing body shall determine when an approval is void and may direct cessation of building activity or use or may direct modification in order to attain conformance to the code.

Applicant's Findings: *The applicant understands that any permit or approval issued or granted that fails to comply with the provisions of this code or the code in force at the time the permit or approval was granted may be declared void by the city.*

- C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this code, provided a good faith effort was made to notify all parties entitled to notice.

Applicant's Findings: *The applicant understands failure of persons to receive mailed notice, or failure to post a notice will not invalidate any actions pursuant to this code so long as proof a good faith effort was made to notify anyone entitled to such notice, in this case, all property owners within 500-feet of all portions of the site.*

- D. Fees. The city council shall establish application and review fees and fee policies by separate resolution for the performance of the actions and reviews required by this code.

Applicant's Findings: *The applicant understands a fee is assessed by the City Council for the subject application.*

Section 1.4.800 – Approval compliance

- A. Application Materials. Application materials and other information (such as oral and/or written testimony) submitted by an applicant and relied upon by the city staff and/or the decision-making body during the review and approval process in order to gain development approval are considered part of the application and any commitment contained within this material shall become legally binding upon the applicant.

Applicant's Findings: *The applicant understands any application materials submitted in support of the request is legally binding.*

- B. Conditions of Approval. Developments that have been granted approval subject to conditions of approval are required to comply with said conditions of approval. As these conditions run with the land, future owners, lessees, renters, etc., will also be required to comply with said conditions of approval. In the event that these conditions require reconsideration, then the appropriate application and review procedures must be followed for reconsideration of said conditions in accordance with the provisions of this code.

Applicant's Findings: *The applicant understands when an application receives approval subject to conditions, the conditions must be complied with. Further, the applicant understands conditions imposed will run with the land and all users of the land will also be required to comply with the conditions. The review authority has a responsibility to only impose conditions which directly uphold the provisions of the code or protect life safety and welfare. It is not anticipated any conditions of approval will need to be imposed on this application.*

Section 5: Findings Applicable to Zone Change

Chapter 2.1 – Organization of Land Use Districts

Section 2.1.100 – Classification of Land Use Districts

Every parcel, lot, and tract of land within the city of Silverton is designated with a land use (zoning) district. The use of land is limited to the uses allowed by the applicable comprehensive plan designation, land use designation and zoning district and/or overlay zone. The applicable districts and overlay zone(s) are determined based on the city of Silverton zoning map and the provisions of this chapter, which shall be consistent with the city of Silverton comprehensive plan, as indicated in Table 2.1.100.

Applicant's Findings: *The applicant understands the application of zoning for every parcel, lot or tract of land within the City of Silverton is a requirement. Each zone applied implements the goals and policies of the city's Comprehensive Plan in compliance with Oregon Statewide Planning Goals. In compliance with the city's development code, the applicant is seeking a zone change, but no change to the Silverton Comprehensive Plan designation for the subject property is requested.*

Section 2.1.200 – Land Use District Map

- A. Consistency with Zoning Map. The boundaries of the land use districts contained within this chapter shall coincide with the boundaries identified on the city's official zoning map, retained by the city recorder. Said map by this reference is made a part of this development code. The official zoning map, and any map amendments, shall be maintained by the city.

Applicant's Findings: *In accordance with the City of Silverton's adopted Zoning Map, the subject property is currently designated as R-1. To comply with density requirements, in accordance with this section which requires consistence with the zoning map, the applicant is seeking a zone change to R-5, Low Density Residential. The applicant understands the city's responsibility for retention of maintenance of the maps.*

- B. Applicability. Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated on the official zoning map is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

Applicant's Findings: *The applicant is aware of and understands the limits of the zoning district currently applied to their property, R-1. To allow for greater design opportunities for future residential developments, the applicant is seeking a zone change to R-5, Low Density Residential.*

Chapter 4.7 – Zoning Map and Development Code Text Amendments

Section 4.7.100 – Amendments – Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and the zoning map. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

Applicant’s Findings: *The applicant understands the purpose of this section of the development code and has provided responses to all applicable criteria as demonstrated below.*

Section 4.7.300 – Quasi-Judicial Amendments

A. Applicability of Quasi-Judicial Amendments. “Quasi-judicial amendments” are those that involve the application of adopted policy to a specific development application or code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial zone map amendments shall follow the Type III procedure, as governed by SDC 4.1.400, using standards of approval in subsection (B) of this section. The approval authority for such actions shall be as follows:

1. The planning commission shall review and recommend zoning map changes that do not involve comprehensive plan map amendments;
2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and
3. The planning commission shall make a recommendation to the city council on a zoning change application that also involves a comprehensive plan map amendment application. The city council shall decide both applications.

Applicant’s Findings: *The applicant is seeking approval of a zone change. The zone change being sought is from the current property designation of R-1 to R-5. Both of these zones fall within the same comprehensive plan designation and therefore no comprehensive plan change is required or requested by the applicant. The applicant understands because this zone change is not consolidated with a comprehensive plan amendment, it will be subject to the rules of SDC 4.1.400. This criterion will be met.*

B. Criteria for Quasi-Judicial Amendments. The city shall consider the following review criteria and may approve, approve with conditions or deny a quasi-judicial amendment based on the following; if the application for an amendment originates from a party other than the city; the applicant shall bear the burden of proof.

1. Approval of the request is consistent with the statewide planning goals;

Applicant’s Findings: *The applicant is seeking approval of a zone change from R-1 to R-5. In accordance with the introduction section of the City of Silverton Comprehensive Plan, “A*

comprehensive plan is a long-range policy guide for development of the community as a whole. The policies are based upon facts describing what presently exists and the future needs identified by the community. The plan is comprehensive because it covers all elements in the community – urbanization, housing, commerce, industry, land use, natural and historic resources, air and water quality, natural hazards, transportation, public facilities, and citizen involvement – combines in one planning document. The Silverton City Council and Planning Commission, along with the Marion County Commissioners and Planning Commission, use the Silverton Comprehensive Plan to guide decisions about Silverton’s physical, social, and economic development.” The comprehensive plan introduction goes on to discuss the statewide planning goals. “Oregon Revised Statutes (ORS) Chapter 197, otherwise known as the 1973 Land Use Act, provides for the development coordination of comprehensive plans through the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC). The Silverton Comprehensive plan and implementing ordinances were acknowledged by LCDC as being in compliance with the statewide planning goals on September 4, 1980. Silverton was one of the first cities in Oregon to be acknowledged.” With the confirmation that the implementation of the comprehensive plan complies with the statewide planning goals, and the understanding that this proposal will not give the site a new comprehensive plan designation and the designation will remain single family residential, this criterion is met.

2. Approval of the request is consistent with the relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation;

Applicant’s Findings: *As demonstrated above, the applicant is seeking approval of a zone change from R-1 to R-5 which remains consistent with the current comprehensive plan designation of single family residential. Because the proposal does not change the existing designation of the subject property, the proposed zone change continues to be consistent with the relevant comprehensive plan policies. This criterion is met.*

3. The requested designation is consistent with any relevant area plans adopted by the city council;

Applicant’s Findings: *In accordance with the City of Silverton Parks and Recreation Master Plan’s recommended vision diagram, the subject site is identified to have a connection opportunity to connect the Oregon Garden to downtown. The property is already encumbered by an easement bisecting the property which will implement this connection at the time of site development. In accordance with the Silverton Stormwater Master Plan, neither the existing systems nor any capital improvement projects impact or will impact the subject site. Table 7 of the Silverton Transportation System Plan identifies a possibly funded transportation system project for sidewalk infill starting at Eureka Avenue to the west of the subject site, not along the project frontage. Table 8 of the Silverton Transportation System Plan identifies aspirational*

transportation system projects including bicycle lanes on Eureka Avenue, this section also identifies the desire for a pedestrian segment project along the project frontage. At the time of development, the frontage improvement of the subject site could help to fulfill this desired improvement. Finally, a portion of the property frontage of Eureka Avenue NE is identified in the 2020 Water Master Plan: Capital Improvement Plan. In accordance with the plan, the objective of the CIP is to eliminate the vulnerability of a single supply point to the Anderson PRV Zone and provide for higher fire flow requirements at sites such as Robert Frost Elementary and Silverton Hospital. The proposed zone change is consistent and not in conflict with each relevant plan. Additionally, in some cases, the future development of the subject site could aid in the city meeting the objectives identified in the relevant plans. This criterion is met.

4. The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city;

Applicant's Findings: As demonstrated above, the applicant is seeking approval of a zone change from R-1 to R-5 which remains consistent with the current comprehensive plan designation of single family residential. Because the proposal does not change the existing designation of the subject property, the proposed zone change continues to be consistent with the relevant comprehensive plan policies. This criterion is met.

5. A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application;

Applicant's Findings: The applicant's proposed zone change will continue to fill the need for the development of housing within the State of Oregon and the City of Silverton. The change from R-1 to R-5 provides for some density increases and design flexibility which can be a benefit to the community through providing more diverse housing types, fulfilling a goal identified in the Silverton Comprehensive Plan. This criterion is met.

6. The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

Applicant's Findings: At the time development is proposed, infrastructure improvements will be proposed and reviewed by city staff for acceptance and approval. Previously, the city approved a subdivision on this site proving that adequate facilities, services, and transportation networks in the area either exist, or can be improved, to support future uses. This criterion is met.

7. The amendment conforms to other applicable provisions of this code, such as the transportation planning rule requirements incorporated into SDC 4.7.600.

Applicant's Findings: *The applicant has provided findings in response to each applicable provision within this code. As demonstrated, the proposal meets the applicable criteria.*

8. Any amendment involving a change to the city's urban growth boundary shall conform to applicable state planning rules for such amendments.

Applicant's Findings: *The proposal is for a zone change from R-1 to R-5 and does not include an amendment to the City's Urban Growth Boundary. This criterion is not applicable.*

Section 4.7.600 – Transportation Planning Rule Compliance

- A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment, development code amendment, or zoning change, the proposal shall demonstrate it is consistent with the adopted transportation system plan and the planned function, capacity, and performance standards of the impacted facility or facilities. Proposals shall be reviewed to determine whether they significantly affect a transportation facility pursuant to OAR 660-012-0060 (Transportation Planning Rule – TPR) and in accordance with traffic impact study provisions in SDC 4.1.900. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

Applicant's Findings: *In accordance with Silverton Municipal Code, a Traffic Impact Study is required in the following scenarios: 1. A change in zoning or a plan amendment designation if required by the public works director;*

2. Any proposed development or land use action resulting in an increase of 20 single-family dwellings or 200 average daily trips, whichever is less, per the Institute of Transportation Engineers (ITE) Trip Generation Manual;

3. Where a road authority states that it has operational or safety concerns with its facility(ies);

4. A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 20 peak hour trips or more per day;

5. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway, creating a safety hazard;

6. A change in internal traffic patterns that may cause safety problems, such as backup onto a street or greater potential for traffic accidents;

7. An increase in traffic volume of 25 vehicles during the peak hour on a local residential or neighborhood collector residential street.

The applicant believes none of these scenarios exist until development is proposed, at which time, the applicant can provide an updated TIS reflecting new dwelling unit densities. As applicable, this criterion will be met.

Chapter 1.6 – Use Categories

Section 1.6.110 – Household living

- A. **Characteristics.** Household living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as household living. Single-room-occupancy (SRO) housing, that does not have totally self-contained dwelling units, is also included if at least two-thirds of the units are rented on a monthly basis. Single-room-occupancy apartments/rooming houses (SROs) may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential care homes are included in the household living category. “Residential care home” means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for not more than five individuals who need not be related, excluding required staff persons.
- B. **Accessory Uses.** Accessory uses commonly found are recreational activities, home gardening, raising of pets, hobbies, and parking of the occupants’ vehicles. Home occupations, accessory dwelling units/guest houses with kitchen facilities, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- C. **Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Examples also include living in single-room-occupancy apartments/rooming houses (SROs) if the provisions are met regarding length of stay and separate meal preparation.
- D. **Exceptions.**

1. Lodging in a dwelling unit or SRO where less than two-thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the retail sales and service category.
2. SROs that provide common dining only are classified as group living.
3. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a community service use, such as short-term housing or mass shelter.

Applicant's Findings: *The applicant is proposing the R-5 zoning designation for the subject property. The household living uses permitted within the current designation of R-1 are consistent with what would be permitted should the R-5 designation be approved and applied to the site. At the time development is proposed, the applicant will ensure proposed uses are consistent with this section.*

Chapter 2.2 – Residential (R) Districts

Section 2.2.100 – Residential districts--Purpose and Applicability

A. Purpose. The residential districts promote the livability, stability and improvement of the city's neighborhoods. The districts are intended to:

1. Promote the orderly development of neighborhoods.
2. Make efficient use of land and public services and implement the comprehensive plan.
3. Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
4. Allow for convenient neighborhood access to parks, schools, places of worship, and other supportive services, compatible with planned residential densities.
5. Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
6. Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and desired architectural character of Silverton.
7. Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
8. Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling and transit use.
9. Provide direct and convenient access to schools, parks and neighborhood services.

10. Accommodate acreage residential uses in areas not yet served with urban infrastructure.

Applicant's Findings: *The applicant understands the purpose of the residential zoning districts and is proposing the R-5 district where the site is currently designated R-1. The purpose of both districts is the same.*

B. Applicability. The land use districts shall be applied consistently with the policies and land use designations of the city of Silverton comprehensive plan text and map. Where the comprehensive plan allows for the possible application of more than one land use district (i.e., at the time of annexation or any proposed rezoning), the districts shall be applied appropriately based on the following criteria and consistent with the amendment procedures in Chapter 4.7 SDC. Densities may be transferred or adjusted through the planned development approval process under Chapter 4.5 SDC, provided the overall density on the site conforms with the density range allowed per the comprehensive plan designation. The purpose of this is to provide for exceptional development designs that conserve open spaces and meet other community planning objectives.

1. The single-family residential (R-1) zone is one of the land use districts that implements the single-family residential comprehensive plan land use designation. It is intended primarily for household and group living at densities generally ranging from two dwellings per acre to not more than six dwellings per acre. Hillside properties zoned R-1 shall also be subject to the hillside protection overlay zone provisions under Chapter 2.6 SDC.

2. The low density residential (R-5) zone is one of the land use districts that implements the single-family residential comprehensive plan land use designation. It is intended to accommodate a variety of household and group living uses, including attached and detached dwellings, on small and medium size lots, at densities generally ranging from five dwellings per acre to not more than 10 dwellings per acre. The R-5 district is an appropriate transition between R-1 zoning and higher density residential or commercial districts.

Applicant's Findings: *The applicant includes the applicability of the R-1 and the R-5 zoning to demonstrate both zones implement the same comprehensive plan designation and the application of R-5 zoning is consistent with statewide planning goals for this reason.*

[Chapter 2.7 – Wetlands and Riparian \(/WP\) Overlay District](#) [Section 2.7.110 – Wetland – Purpose](#)

The wetlands overlay district is intended to ensure that wetland sites within the city are developed with all due sensitivity for the vital role these areas play in the environment.

Applicant's Findings: *The applicant understands the purpose of the wetlands and riparian overlay district.*

Section 2.7.120 – Applicability

The wetland area regulations apply to those areas meeting Division of State Lands criteria for wetland classification. Precise wetland boundaries may vary from those shown on the comprehensive plan map exhibit if on-site inspection and delineation by a recognized authority and/or other city-approved documentation indicate more accurate boundaries. Those more precise boundaries can be identified, mapped, and used for review and development without a change in the comprehensive plan wetlands map exhibit. All developments proposed within a designated wetland area shall be subject to the provisions of conditional use review and the wetland area regulations. If the development area is within the floodplain district, then the floodplain district regulations of Chapter 2.5 SDC shall also apply.

Applicant's Findings: *A small area of the subject site is incumbered by a wetland. At the time of development, the applicant understands they will be subject to the provisions of this overlay including any restrictions or notice to state agencies. At the time of proposed development, these criteria will be met.*

Chapter 4.1 – Types of Review Procedures

Section 4.1.100 – Purpose and applicability of review procedures

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the city, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.100 provides a key for determining the review procedure and the decision-making body for particular approvals.

Applicant's Findings: *The applicant understands the purpose of review procedures and understands the review authority for zone changes within the City of Silverton to be the Planning Commission.*

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures: Types I, II, III, and IV. These procedures are described in subsections (B)(1) through (4) of this section. Table 4.1.100 lists all of the city’s land use and development approvals and their required review procedure(s).

1. Type I Procedure (Ministerial). Type I decisions are made by the community development director, or someone he or she officially designates, without public notice

and without a public hearing. The Type I procedure is used when there are clear and objective review criteria, and applying city standards and criteria requires no use of discretion;

2. Type II Procedure (Limited Land Use Decision). Type II decisions are made by the community development director or designee with public notice, and an opportunity for a planning commission public hearing if requested. The appeal of a Type II decision made by the planning commission is heard by the city council;

3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the planning commission after a public hearing, with appeals made to the city council. Type III decisions generally use discretionary review criteria;

4. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the planning commission with final decisions made by the city council. A Type IV hearing may be conducted in a joint meeting of the city council and planning commission.

Applicant's Findings: *In accordance with Silverton Municipal Code, the proposed application is quasi-judicial and will be subject to Type III procedures.*

C. Number of Days. All "days" referenced by this code are calendar days, unless noted otherwise.

Applicant's Findings: *The applicant understands the state mandated deadlines mentioned in this code are calendar days unless another note is provided.*

Section 4.1.400 – Type III procedure (quasi-judicial).

A. Pre-Application Conference. A pre-application conference is required for all Type III applications. The procedures for a pre-application conference are described in SDC 4.1.600(C).

Applicant's Findings: *The applicant held the required pre-application conference with staff on April 27, 2023. This criterion is met.*

B. Application Requirements.

1. Application Forms. Type III applications shall be made on forms provided by the community development director or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff or upon appeal, no new application is required.

2. Submittal Information. Type III applications must be submitted and complete at least 45 days before the requested planning commission hearing date. For the initial staff review, a total of five copies of the application shall be submitted. An additional seven copies shall be submitted after the community development director has deemed the application complete. All Type III applications shall:

- a. Include the information requested on the application form;
- b. Contain plans, exhibits, studies, and/or other information as required by the community development director, in order to assist the city in making findings under the applicable review criteria;
- c. Be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapter 4.2 SDC, Land Use Review and Design Review, Chapter 4.3 SDC, Land Divisions and Property Line Adjustments, Chapter 4.6 SDC, Modifications to Approved Plans and Conditions of Approval, Chapter 4.8 SDC, Code Interpretations, and Chapter 4.9 SDC, Miscellaneous Permits;
- d. Be accompanied by the required nonrefundable fee;
- e. A certified list prepared by a title company or certified by the Marion County tax assessor's office with the names and addresses of all property owners within 500 feet of the subject site; and
- f. Applications which are not filled out completely and include all information required by the application form will not be processed by the city.

Applicant's Findings: All of the items required for submittal are included with this application.

C. Notice of Hearing.

1. Mailed Notice. The city shall mail the notice of the Type III hearing. The records of the county assessor's office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the community development director or designee in the following manner:

- a. At least 20 days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - ii. All property owners of record and residents within 700 feet of the site;

- iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the road authority and transit and transportation service provider when there is a proposed development abutting or affecting their transportation facility or service and allow the agency to review, comment on, and suggest conditions of approval for the application;
- iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
- v. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;
- vi. Any person who submits a written request to receive notice;
- vii. For appeals, the appellant and all persons who provided testimony in the original decision; and
- viii. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

b. The community development director or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

c. At least 10 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the city. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

2. Content of Notice. Notice of appeal of a Type II administrative decision or notice of a Type III hearing to be mailed and published per subsection (C)(1) of this section shall contain the following information:

- a. The nature of the application and the proposed land use or uses that could be authorized for the property;
- b. The applicable criteria and standards from the development code(s) that apply to the application;
- c. The street address or other easily understood geographical reference to the subject property;

- d. The date, time, and location of the public hearing;
- e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
- f. The name of a city representative to contact and the telephone number where additional information on the application may be obtained;
- g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Silverton City Hall at no cost and that copies shall be provided at a reasonable cost;
- h. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The city of Silverton development code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

3. Posting Notice. The site shall be posted with a notice that contains a brief description of the project, the file number assigned to the project by the city and the address of City Hall and the phone number for the community development department. The notice shall be clearly visible to pedestrians and motorists and must be able to withstand adverse weather.

Applicant's Findings: The applicant understands and is familiar with the noticing requirements.

D. Conduct of the Public Hearing.

- 1. At the commencement of the hearing, the hearings body shall state to those in attendance:
 - a. The applicable review criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the review criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

d. Before the conclusion of the initial evidentiary hearing, any participant may ask the planning commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per subsection (D)(2) of this section, or by leaving the record open for additional written evidence or testimony per subsection (D)(3) of this section.

2. If the planning commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence.

3. If the planning commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the city in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the planning commission shall reopen the record.

a. When the planning commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to subsection (D) of this section is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;

c. If requested by the applicant, the city shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence;

d. The record shall contain all testimony and evidence that is submitted to the city and that the hearings body has not rejected;

e. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;

f. The review authority shall retain custody of the record until the city issues a final decision.

4. Participants in the appeal of a Type II administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see subsection (D)(5) of this section) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in subsection (D)(5) of this section) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;

b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, have a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If a member of the hearings body abstains or is disqualified, the city may provide a substitute in a timely manner subject to the impartiality rules in subsections (D)(4) and (5) of this section. In this case, a member of the city council appointed by a majority vote of the city council may substitute for a member of the planning commission;

- e. If all members of the planning commission abstain or are disqualified, the city council shall be the hearing body. If all members of the city council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be requalified to make a decision;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

5. Ex Parte Communications.

a. Members of the hearings body shall not:

- i. Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per subsection (D)(4) of this section;
- ii. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

- i. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
- ii. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. A communication between city staff and the hearings body is not considered an ex parte contact.

6. Presenting and Receiving Evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

- b. There may be a presentation of a staff report, a presentation by the applicant or those representing the applicant, a presentation by those who oppose the proposed application, by those in favor of the proposed application and by those who do not necessarily support or oppose the proposed application;
- c. A rebuttal by the applicant shall be limited to issues raised during the presentation of evidence in opposition or neutral. A surrebuttal shall be limited to issues raised during the rebuttal of the evidence;
- d. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in subsection (D) of this section;
- e. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

Applicant's Findings: *The applicant acknowledges and understands the hearing procedures and expectations for all parties including city staff and planning commissioners.*

E. The Decision Process.

1. Basis for Decision. Approval or denial of an appeal of a Type II administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the city as a whole;
2. Findings and Conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. Form of Decision. The planning commission shall issue a final written order containing the findings and conclusions stated in subsection (E)(2) of this section, which either approves, denies, or approves with specific conditions. The planning commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. Decision-Making Time Limits. A final order for any Type II administrative appeal or Type III action shall be filed with the community development director or designee within 10 business days after the close of the deliberation;

5. Notice of Decision. Written notice of a Type II administration appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within 10 business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision; provided, that a good faith attempt was made to mail the notice;

6. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the city. The decision is effective on the day after the 10-day appeal period expires. If an appeal for a Type III application is filed, the decision becomes effective on the day after the appeal is decided by the city council. The notification and hearings procedures for Type III applications on appeal to the city council shall be the same as for the initial hearing. An appeal of a Type II appeal decision to the State Land Use Board of Appeals must be filed within 21 days of the review body's written decision. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the city council's written decision;

7. Appeals. Appeals of Type III decisions are heard by the city council, as applicable, and follow the procedures below:

a. Who May Appeal. The following people have legal standing to appeal a Type III decision:

- i. The applicant or owner of the subject property;
- ii. Any other person who participated in the proceeding by submitting oral or written comments.

b. Appeal Filing Procedure.

i. Notice of Appeal. Any person with standing to appeal, as provided in subsection (E)(1) of this section may appeal a Type III decision by filing a notice of appeal according to the following procedures;

ii. Time for Filing. A notice of appeal shall be filed with the community development director or designee within 10 days of the date the notice of Type III decision was mailed;

iii. Content of Notice of Appeal. The notice of appeal shall contain:

(A) An identification of the decision being appealed, including the date of the decision;

(B) A statement demonstrating the person filing the notice of appeal has standing to appeal;

(C) A statement explaining the specific issues being raised on appeal;

(D) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;

(E) If de novo review is requested, a statement summarizing the new evidence which will be offered and the criteria to which it will relate. The decision to grant a de novo hearing rests solely upon the discretion of the city council;

(F) Filing fee.

c. Scope of Appeal. The review body shall determine the scope of review on appeal to one of the following:

i. Restricted to the record made on the decision being appealed. The record shall include a factual report prepared by the community development director, all exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and received or considered in reaching the decision under review, and the minutes of the hearing. The reviewing body may make its decision based only upon the record or may grant the right of oral argument to all affected parties, but not the introduction of additional evidence.

ii. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.

iii. A de novo hearing on the merits. "De novo hearing" shall mean a hearing by the review body as if the request had not been previously heard and as if no decision had been rendered, except that all testimony, evidence, and other material from the record of the previous consideration may be included in the record of the review. The presiding officer may establish a time limit for presentation of information at the public hearing.

d. Appeal Procedures. A Type III notice, hearing procedures and decision process shall also be used for appeals of Type III decisions, as provided in SDC 4.1.400. Appeal applications which are not filled out completely and include all information required by the application form will not be processed by the city.

e. Further Appeal to LUBA. The decision of the review body regarding an appeal of a Type III decision is the final decision of the city. The decision of the review body on an appeal is final and effective on the date it is mailed by the city. The review body's decision may be appealed to the State Land Use Board of Appeals within 21 days of the written notice of decision pursuant to ORS 197.805 through 197.860.

8. City Council Call-Up of Planning Commission Decision. The city council may call up any planning action for a decision upon motion and majority vote, provided such vote takes place in the required appeal period. Unless the planning action is appealed and a public hearing is required, the council review of the planning action is limited to the record and public testimony is not allowed. The council may affirm, modify, or reverse the decision of the planning commission, or may remand the decision to the commission for additional consideration if sufficient time is permitted for making a final decision of the city. The council shall make findings and conclusions and cause copies of a final order to be sent to all parties of the planning action.

Applicant's Findings: *The applicant understands the decision process.*

[Section 4.1.600 – General provisions applicable to all reviews - 120 day rule - Time computation- Pre-application conferences- Acceptance and review- Community development director's duties- Amended applications- Resubmittal- Appeals.](#)

A. One-Hundred-Twenty-Day Rule. The city shall take final action on Type I, II, and III permit applications that are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions or plan and code amendments under ORS 227.178.)

Applicant's Findings: *Because this application does not include a comprehensive plan amendment, it is subject to the 120 state mandated deadline for a decision to be rendered.*

B. Time Computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day that is not a Saturday or legal holiday.

Applicant's Findings: *The applicant understands the manner in which time shall be computed.*

C. Pre-Application Conferences.

- iii. The community development director or designee;
- iv. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.

b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation of Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications, in the following order of preference: the council, the commission, or the community development director or designee.

b. When proceedings are consolidated:

i. The notice shall identify each application to be decided;

ii. The decision on a plan map amendment shall precede the decision on a proposed zone change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

iii. Separate findings and decisions shall be made on each application.

3. Check for Acceptance and Completeness. In reviewing an application for completeness, the following procedure shall be used:

a. Acceptance. When an application is received by the city, the community development director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant:

i. The required forms;

ii. The required, nonrefundable fee;

1. **Applicant's Responsibility.** When a pre-application conference is required or requested, the applicant shall submit a summary of the proposal to the community development director with a nonrefundable fee at least seven days beforehand, then meet with the community development director or his/her designee(s) and other parties as appropriate at the scheduled time;

2. **Information Provided.** At such conference, the community development director or designee shall:

- a. Cite the comprehensive plan policies and map designations applicable to the proposal;
- b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
- c. Provide available technical data and assistance that will aid the applicant;
- d. Identify other governmental policies and regulations that relate to the application; and
- e. Reasonably identify other opportunities or constraints concerning the application;

3. **Disclaimer.** Failure of the community development director or his/her designee to provide any of the information required by this subsection (C) shall not constitute a waiver of any of the standards, criteria or requirements for the application;

4. **Changes in the Law.** Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

5. **Agency Participation.** The city shall invite agencies potentially affected by the proposal, including road authorities and transportation service providers, to participate in the preapplication conference, whether in person or in written comments.

Applicant's Findings: *The applicant held a pre-application conference with city staff which followed these procedures.*

D. Acceptance and Review of Applications.

1. Initiation of Applications.

a. Applications for approval under this chapter may be initiated by:

- i. Order of city council;
- ii. Resolution of the planning commission;

iii. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness.

i. Review and Notification. After the application is accepted, the community development director or designee shall review the application for completeness. If the application is incomplete, the community development director or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information, or 14 days to submit a refusal statement;

ii. Application Deemed Complete for Review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the community development director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the community development director or designee in this subsection (D)(3)(b). For the refusal to be valid, the refusal shall be made in writing and received by the community development director or designee no later than 14 days after the date on the community development director or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete for processing on the thirty-first day after the community development director or designee first accepted the application.

iii. Standards and Criteria That Apply to the Application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

iv. Coordinated Review. The city shall also submit the application for review and comment to the city engineer, road authority, and other applicable county, state, and federal review agencies.

4. Changes or Additions to the Application During the Review Period. Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the community development director or designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or

other evidence submitted after that date shall be received by the community development director or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

b. When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternative, the reviewer may inform the applicant, either in writing or orally at a public hearing, that such changes may constitute a significant change (see subsection (D)(4)(d) of this section), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the city shall take one of the following actions, at the choice of the applicant:

i. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;

ii. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (SDC 4.1.600(A)) on the existing application. If the applicant does not consent, the city shall not select this option;

iii. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The city will complete its decision-making process without considering the new evidence;

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject

to the standards and criteria in effect at the time the new application is accepted.

Applicant's Findings: *The application is being presented by the property owner and is not being consolidated with any other request. As applicable, the initiation requirements have been met.*

E. Community Development Director's Duties. The community development director or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the city's comprehensive plan, and implementing ordinance provisions;
2. Accept all development applications that comply with this section;
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or nonconformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial, or approval with specific conditions that ensure conformance with the review criteria;
4. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the community development director or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
 - b. In the case of an application subject to a hearing (Type III or IV process), the community development director or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by SDC 4.1.300(C) (Type II), 4.1.400(C) (Type III), or 4.1.500(D) (Type IV);
5. Administer the hearings process;
6. File notice of the final decision in the city's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application

was considered; and any other exhibit, information or documentation that was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

Applicant's Findings: *The applicant understands the responsibility of the Community Development Director, or their designee for processing this application request.*

Section 6: Conclusion

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof and demonstrated how the proposed zone change not only satisfies all applicable criteria but would also be a benefit to the community by providing diverse housing opportunities in the future for the City of Silverton.

Section 7: Exhibits

Exhibit A – Zone Change Application

Exhibit B – Zoning Map

Exhibit C – Deed

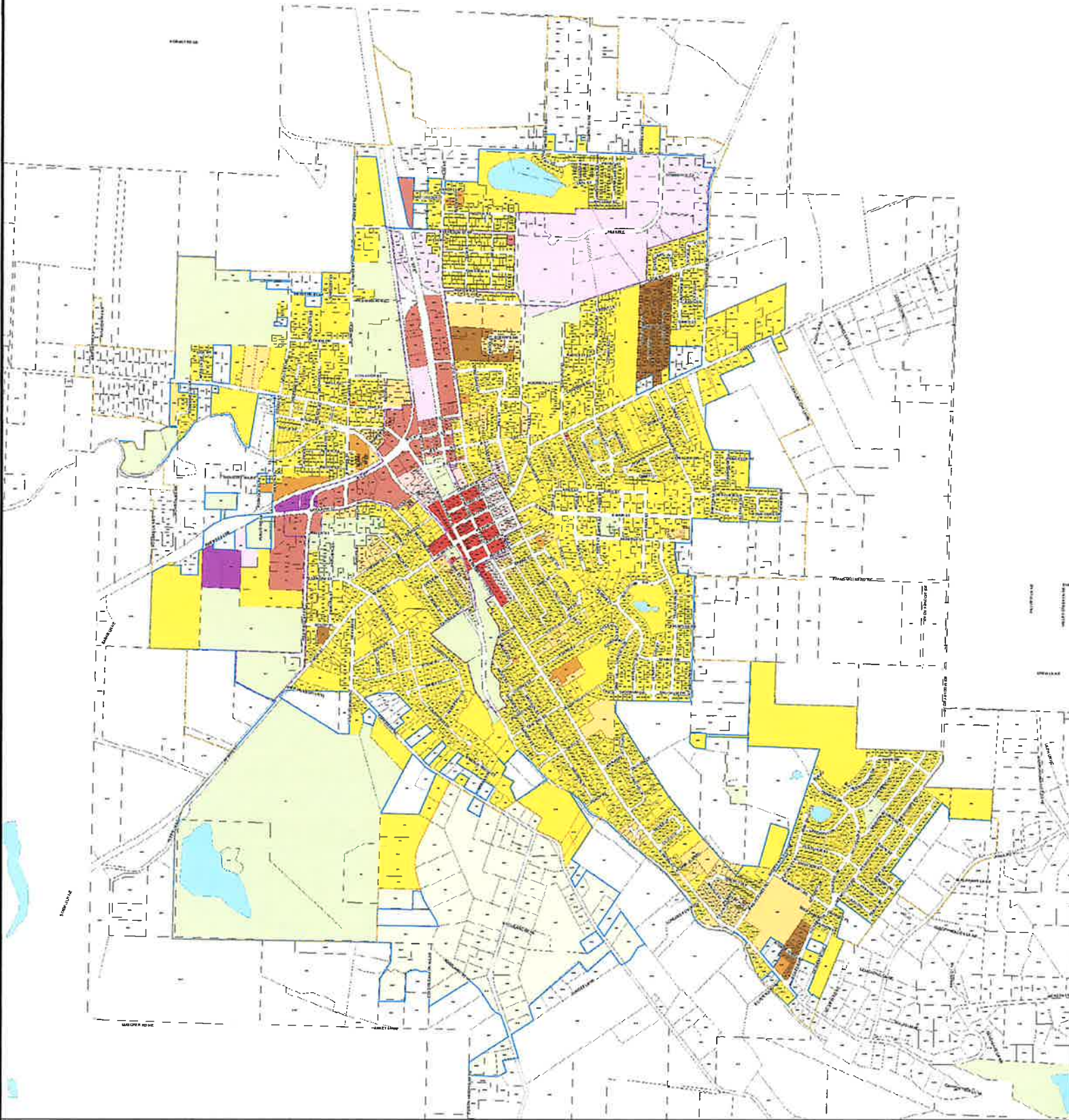
Exhibit D – Articles of Organization

Exhibit E– Marion County Tax Map

Exhibit F – Existing Conditions Plan

Exhibit G – Noticing Labels

City of Silverton Zoning Map



Legend

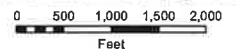
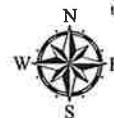
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|----------------------------|---------------------------------|---|
| Urban Growth Boundary | AR, Acerage Residential | P, Public |
| Silverton City Limits | DC, Downtown Commercial | R-1, Single Family Residential |
| Urban Renewal District | DCF, Downtown Commercial Fringe | R-5, Low Density Residential |
| Downtown Historic District | GC, General Commercial | RM-10, Multiple Family Residential - 10 |
| Creek and Streams | IP, Industrial Park | RM-20, Multiple Family Residential - 20 |
| | LI, Light Industrial | |

Production Date: November 2021



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.



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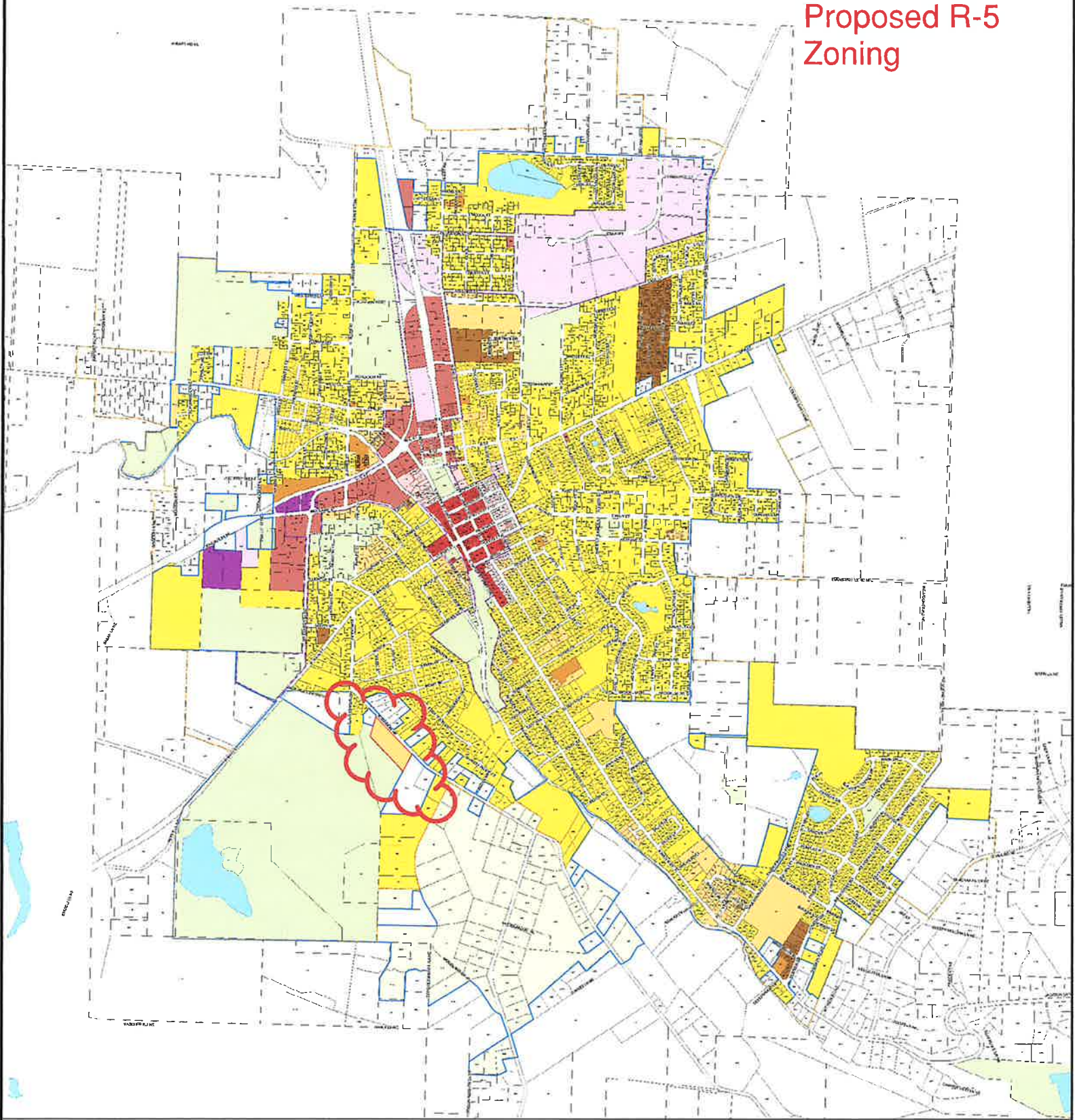
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Map No. 1000

City of Silverton Zoning Map

Proposed R-5 Zoning



Legend

- Urban Growth Boundary
- Silverton City Limits
- Urban Renewal District
- Downtown Historic District
- Creek and Streams
- AR, Acreage Residential
- DC, Downtown Commercial
- DCF, Downtown Commercial Fringe
- GC, General Commercial
- IP, Industrial Park
- LI, Light Industrial
- P, Public
- R-1, Single Family Residential
- R-5, Low Density Residential
- RM-10, Multiple Family Residential - 10
- RM-20, Multiple Family Residential - 20

Production Date: November 2021



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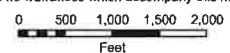


Exhibit F – Existing Conditions Plan

DATE	11/15/03
BY	JL
CHECKED BY	
SCALE	1" = 50'
TITLE	EXISTING CONDITIONS

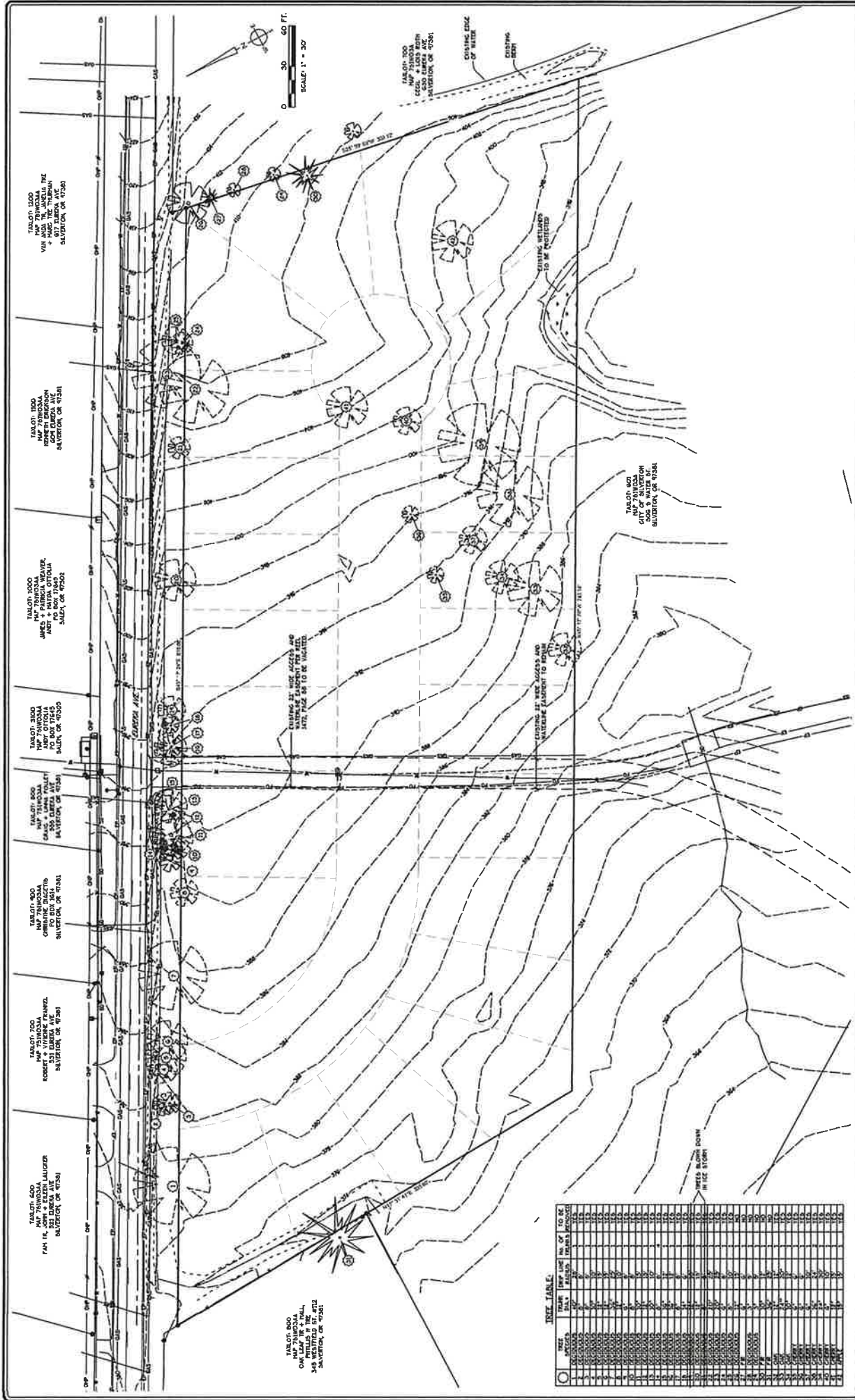
EXISTING CONDITIONS

GARDEN GROVE ESTATES
CITY OF SILVERTON, MARION COUNTY, OREGON

K & D ENGINEERING, INC.
276 N.W. HICKORY STREET
P.O. BOX 755
ALBANY, OREGON 97321
(503) 868-2583

NO.	DATE	REVISION

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EXIST. TABLE

NO.	DATE	DESCRIPTION
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ATTACHMENT C: CONDITIONS OF APPROVAL

ATTACHMENT D: STAFF REPORT, ZC-23-01

I. REVIEW CRITERIA -

Zone Change

4.7.300 Quasi-judicial amendments. Criteria for Quasi-Judicial Zoning Amendments. The city shall consider the following review criteria and may approve, approve with conditions or deny a quasi-judicial amendment based on the following; if the application for an amendment originates from a party other than the city, the applicant shall bear the burden of proof.

1. Approval of the request is consistent with the statewide planning goals;
2. Approval of the request is consistent with the relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation;
3. The requested designation is consistent with any relevant area plans adopted by the city council;
4. The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city;
5. A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application;
6. The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
7. The amendment conforms to other applicable provisions of this code, such as the transportation planning rule requirements incorporated into SDC 4.7.600.
8. Any amendment involving a change to the city's urban growth boundary shall conform to applicable state planning rules for such amendments.

II. APPLICABLE STANDARDS

A. Silverton Development Code (SDC):

Article 4 – Administration of Land Use Development
Section 4.1.400 Type III Procedure (Limited Land Use Decision)
Section – 4.7.300 Quasi-Judicial Amendments

Article 2 – Land Use Districts
Section 2.2.110 Residential Districts – Allowed Land Uses
Section 2.2.120 Residential Districts – Development Standards

Article 3 – Community Design Standards

Section 3.1.200 Vehicle Access and Circulation

Section 3.2.200 Landscape Conservation

Section 3.4.100 Transportation Standards

Section 3.4.300 Sanitary Sewers, Street Lights

Section 3.4.400 Storm Drainage and Erosion Control

Section 3.4.500 Sidewalks

III. FINDINGS

A. Background Information:

1. The applicant submitted a Zone Change Application to change the zoning of 602 Eureka Avenue R-1, Single Family Residential to R-5, Low Density Residential.
2. The subject property has frontage along Eureka Avenue, a collector roadway under Marion County jurisdiction. The site is zoned R-1, Single Family Residential.
3. Citizen testimony was received.
4. Notice was mailed to all property owners and residents within 700' 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.

B. Silverton Development Code:

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 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 will be before the Planning Commission November 14, 2023 and will be before the City Council December 4, 2023.

Section 4.7.300 Quasi-Judicial Amendments

Criteria for Quasi-Judicial Zoning Amendments. The city shall consider the following review criteria and may approve, approve with conditions or deny a quasi-judicial amendment based on the following; if the application for an amendment originates from a party other than the city, the applicant shall bear the burden of proof.

1. *Approval of the request is consistent with the statewide planning goals;*

Findings: The City of Silverton adopted the Comprehensive plan to be consistent with the statewide planning goals and has been acknowledged by the State.

2. *Approval of the request is consistent with the relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation;*

Findings: The applicant submitted an application requesting a Zone Change to change the zoning of 602 Eureka Avenue from R-1, Single Family Residential to R-5, Low Density Residential.

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.

Plan Designation	Compatible Zoning Districts
Industrial	Industrial Park (IP)
	Light Industrial (LI)
	Industrial (I)
Commercial	General Commercial (GC)
	Downtown Commercial (DC)
	Downtown Commercial Fringe (DCF)
Single-Family Residential	Single-Family Residential (R-1)
	Low Density Residential (R-5)
	Acreage Residential (AR)
Multiple-Family Residential	Multiple-Family Residential (RM-10)
	Multiple-Family Residential (RM-20)
Agricultural/Urban Reserve	Single-Family Residential (R-1)
	Low Density Residential (R-5)
	Acreage Residential (AR)

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. The zone change would be in compliance with the comprehensive plan designation as shown in the above table.

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.

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.

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.

Diversification of housing types can help reduce the lack of affordable housing, especially for middle-income households. About 442 new households will have incomes between \$34,700 and \$83,280. These households will all need access to affordable housing, such as the housing types described above.

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'.

The City Council has adopted goals to 'develop the Housing Strategy Implementation Plan' and 'further develop and implement strategies for affordable housing'.

The requested designation for the site has been evaluated against relevant comprehensive plan policies and on balance could be found to be more supportive of the comprehensive plan as a whole than the old designation.

3. *The requested designation is consistent with any relevant area plans adopted by the city council;*

Findings: 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.

4. *The requested designation is consistent with the comprehensive plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city;*

Findings: 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.

Though, 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.

5. *A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application;*

Findings: The following is an analysis of the remaining properties zoned for multi-family development.

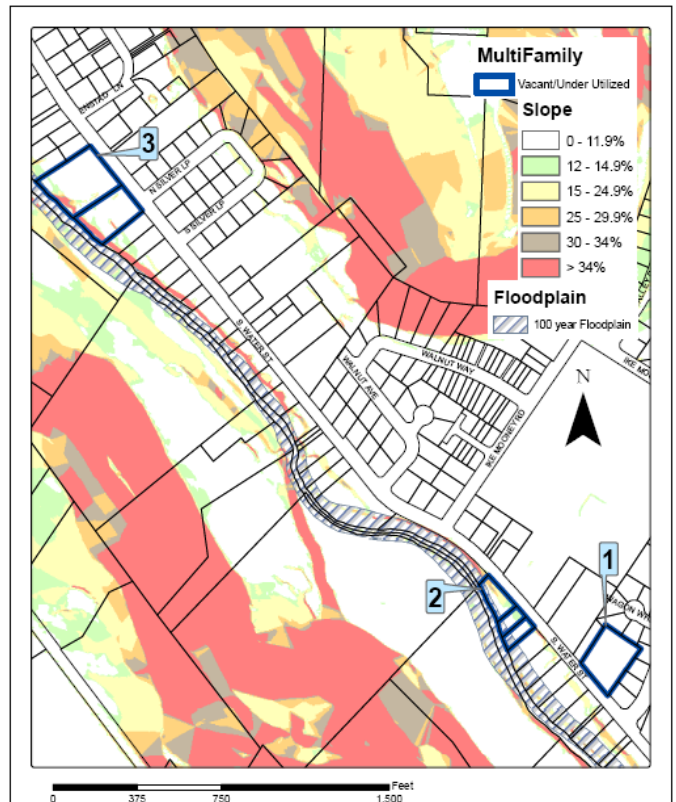
2. South Water Street Creekside Area 1306-1318 S Water

Three properties zoned R-5 with a combined area of 32,701 sq ft (15,338; 8,300 and 9,063 sq ft) with a gross density range of 3.75-7.5 units.

The southern two properties have constructed a single family dwelling on the parcel. 1 dwelling unit each

30% of the northern property is in the floodplain. The Riparian Corridor Boundary appears to follow the Flood Plain Boundary.

Approximate 3,300 sq ft building envelope. Approximately 1 dwelling unit



4. 407 S First St

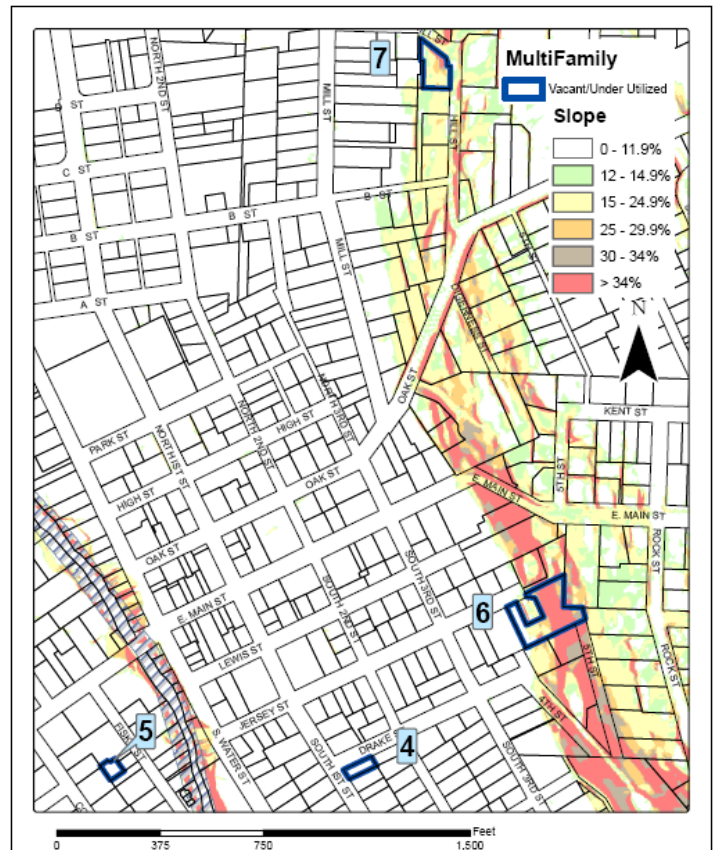
4,471 sq ft. Small flat property, development of a single family dwelling possible

5. 122 Fiske Street

3,670 square foot property behind church parking lot will need frontage onto a public street or access easement. One dwelling likely.

7. Hill Street

13,779 square feet. The site is significantly impacted by hillside. Less than 800 square feet of area under 12% slope with the majority of the site in the 15-25% range, 1 dwelling likely.



8. 623 McClaine Street

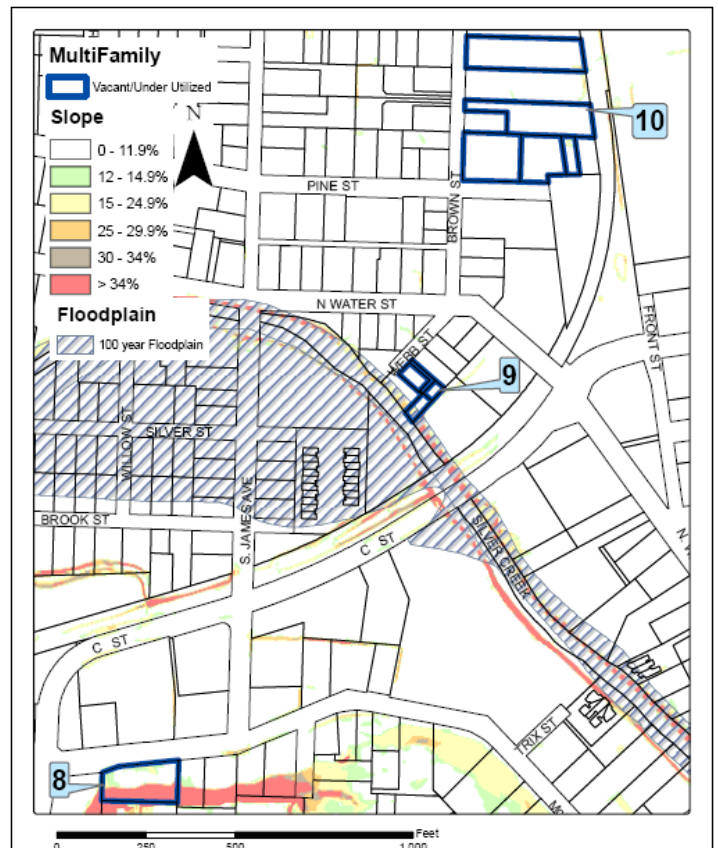
21,976 square feet heavily impacted by steep slopes. Approximate 7,000 sq ft building envelope. 2-4 dwelling units

9. Webb Street

Three developable properties range in size from 1,665 to 3,336 square feet. 3-4 dwelling possible,

10. Brown Street

The area contains four properties totaling 65,806 square feet. Area lacks adequate storm drainage system. Storm drainage improvements would have to be installed south to Webb Street prior to development. No other constraints exist on the site. Northern property currently being used as a



school parking lot. 8-15 dwelling units. A three lot partition has received tentative approval for the site.

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:

- **Single-Family:** Silverton has a surplus of capacity for about 1,409 dwelling units, or 381 gross acres of land to accommodate growth.
- **Multifamily:** Silverton has a deficit of capacity for about 304 dwelling units, or 17 gross acres of land to accommodate growth.

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.

Since the HNA, 97 units of multifamily housing have been approved but has yet to be built. 4 units have been built.

6. *The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*

Findings: 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.

7. *The amendment conforms to other applicable provisions of this code, such as the transportation planning rule requirements incorporated into SDC 4.7.600.*

Findings: The transportation planning rule is not applicable.

8. *Any amendment involving a change to the city's urban growth boundary shall conform to applicable state planning rules for such amendments.*

Findings: The request does not involve a change to the Urban Growth Boundary.

Article 2 – Land Use Districts

Section 2.2.110 Residential Districts – Allowed Land Uses

Findings: The site is requesting to be zoned R-5, Low Density Residential. If the if were rezoned, in addition to the single family homes, duplexes, and accessory dwelling units allowed in the R-1 zone, single family attached, cottage clusters, and multi-family (3 or more dwellings on a lot) would be allowed if zoned R-5, within the 5 to 10 unit per acre ranged. A subsequent land use application would have to be submitted in order to develop the allowed uses of the site.

Section 2.2.120 Residential Districts – Development Standards

Findings: The maximum density for the R-5 zone is 10 dwelling units per acre. The site is 5.15 acres in size which allows a maximum density of 52 dwelling units for the site. The lot size allowed for single family homes in the R-5 zone is 5,000 square feet versus the 7,000 square feet for R-1 lots.

Article 3 – Community Design Standards

Section 3.1.200 Vehicular Access and Circulation

This Section implements the access management policies of the City of Silverton Transportation System Plan. The intent of this Section is to manage vehicular access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system.

Findings: 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.

In accordance with SMC 13.70.110 any development would be subject to Transportation SDC charges.

Section 3.2.200 Landscape Conservation

Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the city may allow removal of significant vegetation from the building envelope as defined by required yard setbacks.

Findings: Significant vegetation exists on the site. Any development plan would have to incorporate the landscape conservation standards as well as the protection standards for any Oak tree greater than 30” located on the subject site.

Section 3.4.100 Transportation Standards

Findings: The site is 5.15 acres and was previously approved for a 21 lot subdivision which could result in 42 dwellings on site per HB 2001. The zone change would permit a maximum of 10 units per acre allowing 52 dwellings total, a net increase of 10 units from the R-1 zone. 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.

Section 3.4.200 Public use (park) areas.

Findings: The park land dedication section of the code allows the City to require park land dedication that is proportionate in impact to the proposed development consistent with the Park & Recreation Master Plan. The Parks & Rec Master Plan does not recommend any additional Pocket Parks, which are small parks typically less than 2 acres in size. The smallest park type the Master Plan recommends is a neighborhood park, which is typically 3-30 acres in size. It is estimated that the park land dedication of the subdivision, should the City go that route, would be about 0.8 acres in size at the cost of the City collecting Parks System Development Charges from the development. Since the Parks & Rec Master Plan does not recommend acquiring additional land for pocket parks, the City is inclined to accept the Parks System Development Charges from the development. All new dwellings will have to pay all applicable Parks and Recreation System Development Charges.

Section 3.4.300 Sanitary Sewers, Water, Street Lights and Fire Protection.

Sanitary sewer system and water system improvements shall be installed with new development in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and Public Works Design Standards. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except where the Public Works Director finds that future extension is not practical due to topography or other constraints.

Development permits for sewer and water system improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards.

Findings: 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. Any new development will have to pay all applicable SDC fees during the building permit process. Any development would have to meet all applicable fire code regulations.

Section 3.4.400 Storm Drainage and Erosion Control

Findings: A storm drainage and erosion control plan meeting Public Works Design Standards will be required prior to issuance of a development permit.

There is downstream capacity and an approved point of discharge. Any future development would be required to detain on site per public works standards.

In accordance with SMC 13.70.110 any new dwellings will be required to pay a stormwater SDC charge at the time when a building permit is issued.

Section 3.4.500 Sidewalks

Sidewalks shall be constructed on all public streets in the City by the owners of property next adjacent thereto.

Findings: Full urban frontage improvements would likely be conditioned upon a development application, including sidewalks.

IV. SUMMARY AND CONCLUSION

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

The Planning Commission is required to hold a public hearing to evaluate the proposed zone change.

The Planning Commission will make a recommendation to the City Council regarding the zone change request and determine how the proposal has or has not complied with the review criteria. The Planning Commission will then forward their recommendation and findings in support of its recommendation to the City Council.

Once the City Council receives the Planning Commission’s recommendation on the zone change, 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.

Planning Commission Options:

1. Recommend to the City Council the APPROVAL of the proposed zone change as it meets the review criteria.
2. Recommend to the City Council the DENIAL of the proposed zone change as it does not meet the review criteria.
3. Recommend to the City Council a MODIFICATION of the proposed zone change so that it meets the review criteria.

Staff recommends that the Silverton Planning Commission review the application forward to the City Council a recommendation on the requested zone change.

ATTACHMENT E: TESTIMONY

City of Silverton
306 S Water Street
Silverton, OR 97381

Re: File No.: ZC-23-01

To Whom It May Concern:

I would like to express my deep concerns about the proposed development at 602 Eureka Avenue.

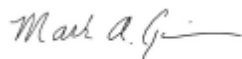
The Oregon Garden Resort is surely the most valuable asset of the City of Silverton. Available for all Oregonians and tourists alike, it is a peaceful, spacious, and beautiful place, hosting over 50,000 guests per year. From the moment one enters the welcoming gate on Cascade Highway, one is surrounded by the natural beauty of the Garden. The driveway meanders past towering oaks through ponds, undergrowth, and botanical wonders as it winds past the Gordon House and the Schmidt Pavilion. It is clear from that moment that you are entering a Garden.

Imagine, then making the last right turn past the Pavilion, and laying your eyes on twenty two houses crammed onto what used to be a wild wetland, feeding the ponds below by a stream during the winter months that is sometimes is too deep and fast to cross. Even in summer there is water moving below ground, as that rather narrow 'crevasse' is the only way out of the little valley above.

There is also no fence high enough to hide that ugly vision from visitors to the Garden, since the driveway itself is much higher in elevation. So, sprawled out in front of you are 42 homes crammed onto tiny wedge-shaped lots with 2-3 SUVs parked in each of the tiny drive-ways – forced by the proposed density of the development.

The proposed subdivision would absolutely obliterate the entrance to the Oregon Garden. I urge you to vote down this horrible plan, and send the developers packing. If they wish to come back with a plan for 3, 4, or even 5 homes on that property including a plan to safely move that water through to the lower ponds... so be it. But please, do not allow them to cram so many doghouses on that very important greenspace. Once done, it cannot be undone. Please vote no on this badly planned development.

Best regards,



DR. MARK A. GUMMIN
540 EDGEWOOD DRIVE
SILVERTON, OR 97381

BURT CONWAY
435 EUREKA

NOTICE OF PUBLIC HEARING
FILE NO. ZC-23-01

I AM OPPOSED TO ANY ZONE CHANGE
FROM R-1 SINGLE FAMILY RESIDENTIAL!
I FEEL THAT THE EXISTING R-1
WITH CAPACITY OF 42 DWELLING
UNITS WILL WORK. THE TRAFFIC
AND THE SPEED ON EUREKA IS
A PROBLEM NOW.

THANK YOU

Burt Conway

11-1-23

11/7/2023

City of Silverton
306 South Water St
Silverton, OR 97381

Ref: Map 071W03a 600
File No. ZC-23-01
Zone Change: 602 Eureka Avenue Silverton Or

To Whom It May Concern:

I do not believe the zone change should be allowed. Is this what we want to do with Eureka?

- 1) Eureka Roadway is currently restricted and higher densities need to be planned.
- 2) Tourist appeal and development garden synergies are negative.
- 3) The Long-Term Plan has been: not to increase the densities on Eureka.
- 4) Septic Sewer Loads (not hooked to the city) and Wells are at max.
- 5) Other sites offer alternative responses to the public need.
- 6) The Zone change will affect the plan for the Emergency Access Roadway to the Oregon Garden.
- 7) Increasing density near Waste Water Operations may not be the best valid land use goal.

Sincerely yours,



Gerald Milliron
440 Edgewood Drive
Silverton, OR 97381

Written comment re: 602 Eureka Avenue Notice of Public Hearing, ZC-23-01

Thank you for your time to discuss the 602 Eureka Avenue development. To recap our discussion and our understanding, we contacted you to inquire about the storm water management plan for the above-named development. Our concerns stem from the location of our property in proximity to development of the Eureka location.

We have pulled maps to indicate the potential for storm water flow and want to assure that the approved plans direct water away from our property. We are not opposed to the development, but rather want confirmation that the builder intends to route storm water drainage away toward the south drainage path from the development.

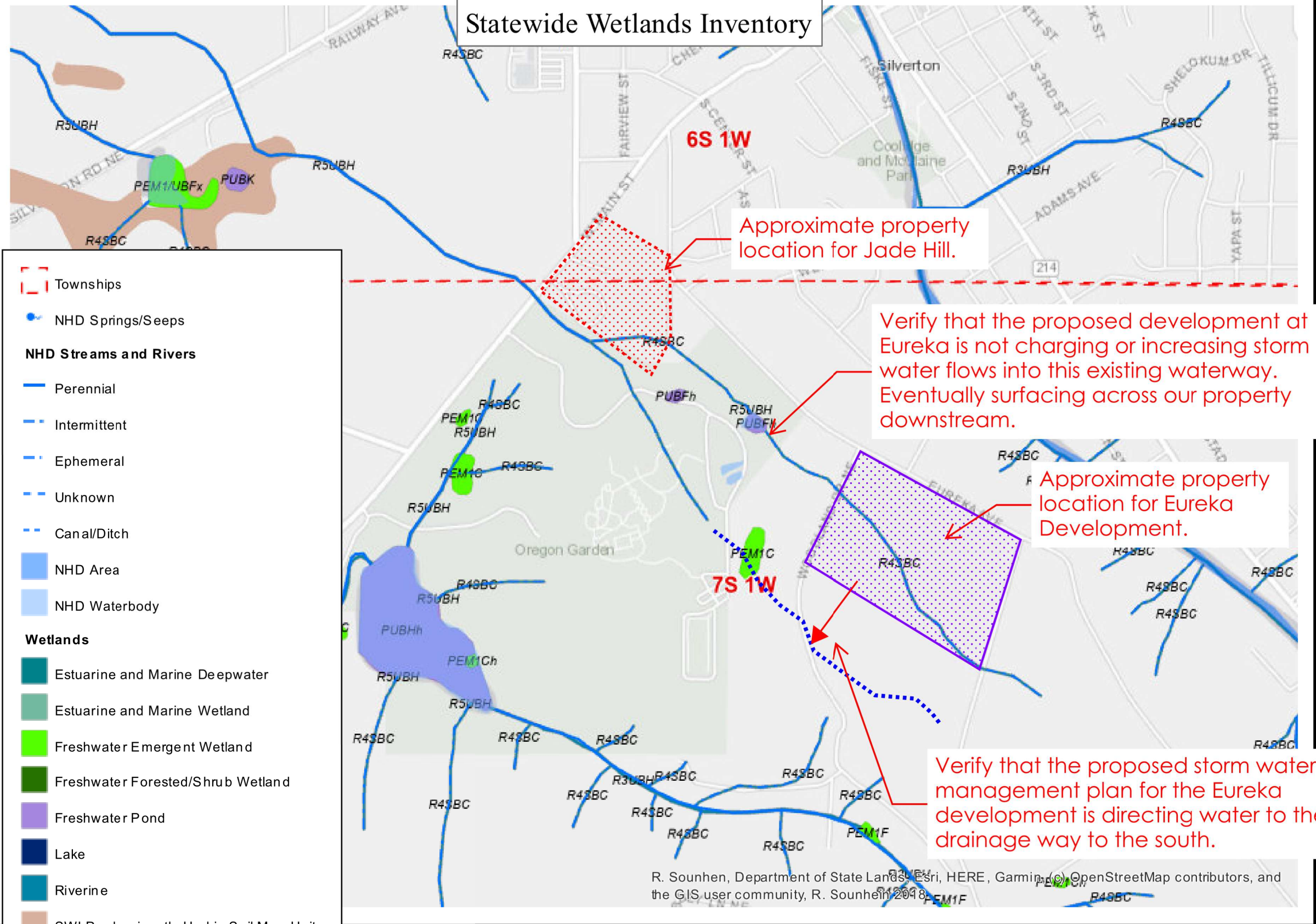
Please see the attached maps indicating drainage pathways.

Additionally, we are requesting to receive a PDF of the approved development plans for 602 Eureka Avenue.

Thank you very much,

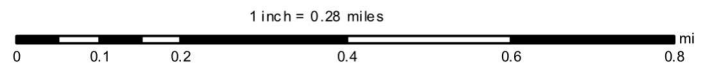
Jade Hills LLC
Dean & Lauren Christensen

Statewide Wetlands Inventory



- Townships
- NHD Springs/Seeps
- NHD Streams and Rivers**
- Perennial
- - - Intermittent
- · · Ephemeral
- · - Unknown
- - - Canal/Ditch
- NHD Area
- NHD Waterbody
- Wetlands**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWI Predominantly Hydric Soil Map Units
- SWI Agate-Winlo Soils

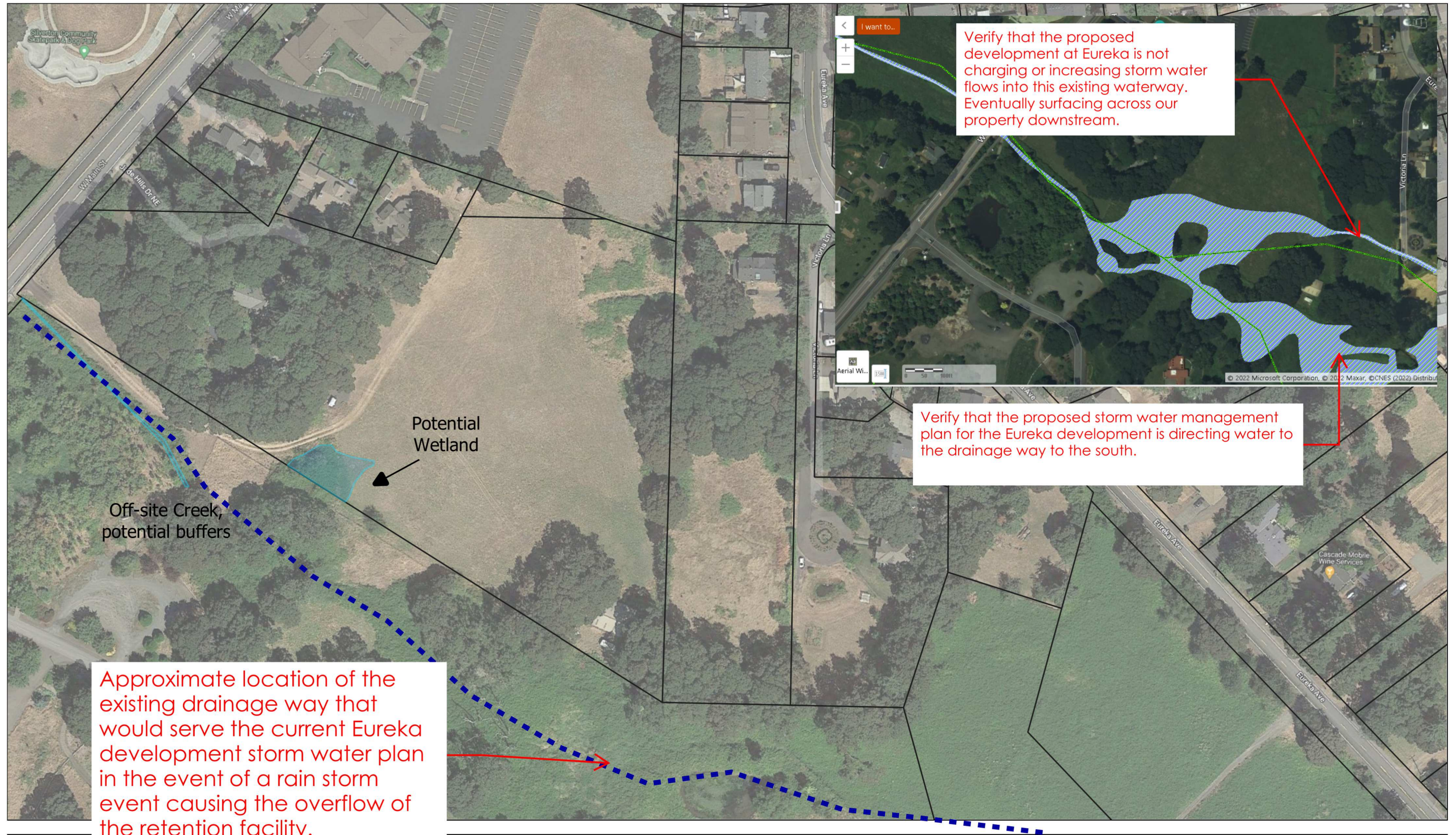
R. Sounhen, Department of State Lands, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, R. Sounhen 2018



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as new data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.

Date: 11/6/2023





Verify that the proposed development at Eureka is not charging or increasing storm water flows into this existing waterway. Eventually surfacing across our property downstream.

Verify that the proposed storm water management plan for the Eureka development is directing water to the drainage way to the south.

Approximate location of the existing drainage way that would serve the current Eureka development storm water plan in the event of a rain storm event causing the overflow of the retention facility.

Potential Wetland

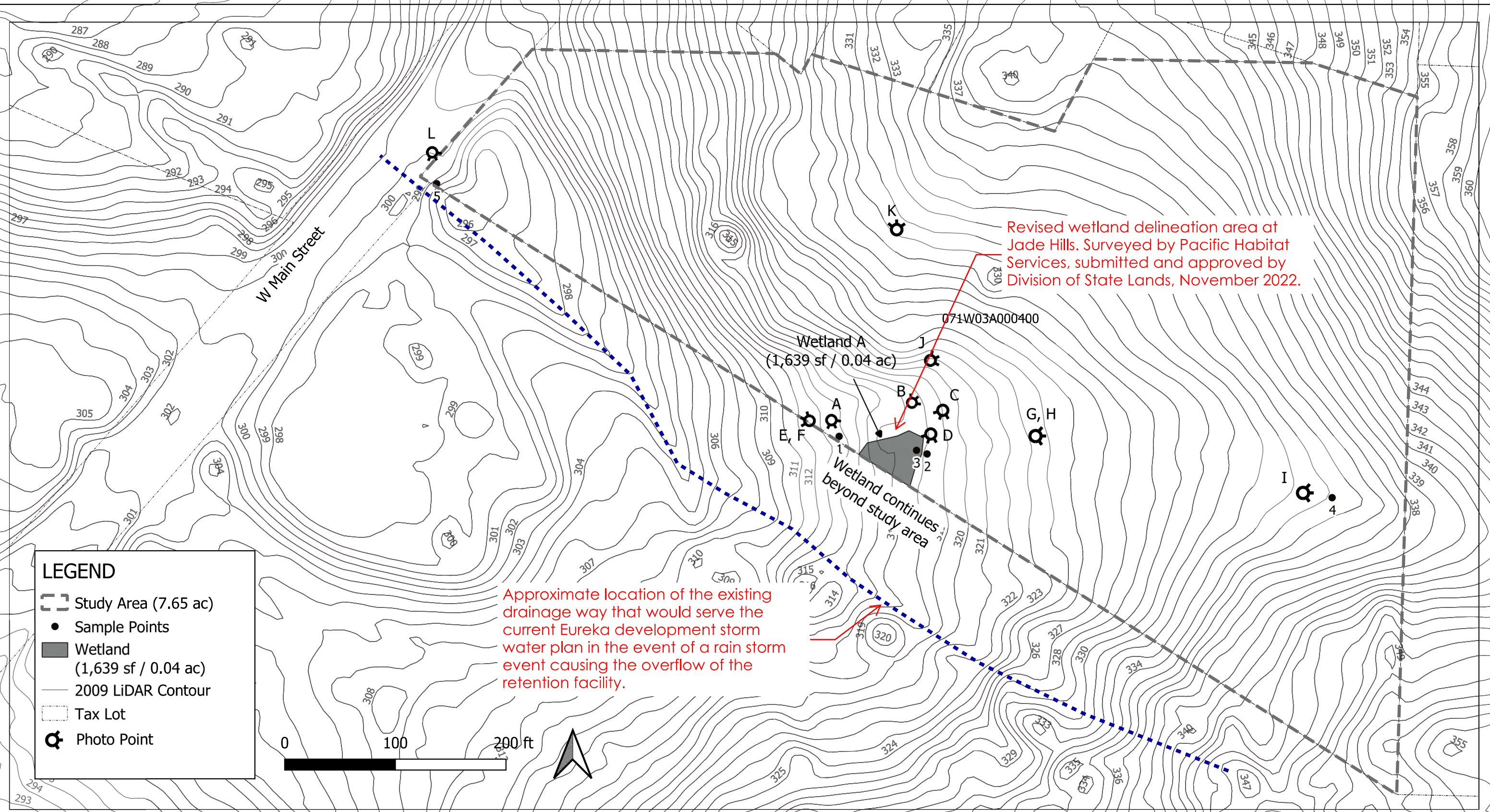
Off-site Creek, potential buffers

#TBL
1/29/22

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

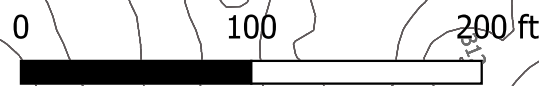
Determination Sketch (not to scale)

Jade Hills Drive Property- Silverton, Oregon



LEGEND

- Study Area (7.65 ac)
- Sample Points
- Wetland (1,639 sf / 0.04 ac)
- 2009 LiDAR Contour
- Tax Lot
- Photo Point



Approximate location of the existing drainage way that would serve the current Eureka development storm water plan in the event of a rain storm event causing the overflow of the retention facility.

Revised wetland delineation area at Jade Hills. Surveyed by Pacific Habitat Services, submitted and approved by Division of State Lands, November 2022.

Wetland A
(1,639 sf / 0.04 ac)

Wetland continues beyond study area

#7460
11/10/2022



Survey of wetland boundary, sample points provided by PHS with +/- 3 ft accuracy. LiDAR obtained from NOAA and Tax Lots obtained from Marion County RLIS, both with +/- 3 ft accuracy.

Wetland Delineation
Jade Hills Property - Marion County, Oregon

FIGURE
6