

Zoom Meeting Link <https://us02web.zoom.us/j/85801040466>



Dial in
253-215-8782 US (Tacoma)

Webinar ID: 858 0104 0466

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.

January 9, 2024 - 7:00 PM

REVISED AGENDA

I. ROLL CALL

II. MINUTES

Approval of Minutes of the Meetings held October 24, 2023, and November 14, 2023.

III. BUSINESS FROM THE FLOOR

Items not on the Agenda.

IV. DISCUSSION/ACTION

4.1 Appoint a Chair

4.2 Appoint a Vice Chair

V. PUBLIC HEARINGS

5.1 File Number PA-23-01. Appeal of a Minor Partition approval to divide 216 Cherry Street, a 0.45 acre parcel identified as Marion County Assessor Map and Taxlot 061W34DA 05800, into three parcels with parcel 1 containing 5,092 square feet, parcel 2 containing 6,646 square feet, and parcel 3 containing 7,248 square feet. The parcels will be accessed via a 20' shared access and utility easement off Cherry Street. The application will be reviewed following the criteria found in Silverton Development Code section 4.3.140.

VI. REPORTS AND COMMUNICATIONS

VII. 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 January 9, 2024. 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
PLANNING COMMISSION MINUTES**

7:02 P.M.

October 24, 2023

The Planning Commission of the City of Silverton, met in person at the Silverton High School Library, located at 421 1456 Pine Street with a Teleconference option through the virtual meeting platform, Zoom on October 24, 2023, at 7:02 p.m. with Madam Vice Chair Kaser presiding.

I. PLANNING COMMISSION ROLL CALL:

Present	Absent	
_____	X	Chairman Clay Flowers
X	_____	Madam Vice-Chair Cara Kaser
X	_____	David Castle
X	_____	Peter Matzka
X	_____	Rich Piaskowski
X	_____	Morry Jones
_____	X	Randell Walling

STAFF PRESENT:

Community Development Director, Jason Gottgetreu, Associate Planner Shauna Godlevsky, Planning and Permit Assistant, Cleone Cantu.

II. MINUTES:

Commissioner Castle moved to approve the minutes from the September 2023 meeting, Commissioner Piaskowski seconded the motion, and it passed unanimously.

III. BUSINESS FROM THE FLOOR:

There were no comments.

IV. AGENDA:

4.1 File Number CU-18-03. Six-month Periodic Review and Renewal of Conditional Use Application 18-03 that established a Transitional Shelter Community with four shelter units at 211 West Center Street. The application will be reviewed per Silverton Development Code sections 4.4.400 & 2.2.200.N.

Madam Vice Chair Kaser reviewed the Public Hearing procedures for a formal Quasi-Judicial meeting and opened the public hearing at **7:05pm**.

No member of the Planning Commission wished to abstain from hearing the application before them.

Commissioner Matzka declared conflict of interest, they live within five hundred feet of the property in question and did receive notice of the public hearing. Commissioner Matzka felt that they were able to make a fair decision for the application.

Commissioner Castle declared ex parte contact; they have visited the site.

No member of the audience wished to challenge the jurisdiction of the Planning Commission to hear the matter before them. No member of the audience wished to challenge any individual member of the Planning Commission for bias or conflict of interest.

1 Director Gottgetreu presented the six-month Periodic Review and Renewal of Conditional Use
2 Application 18-03 that established a Transitional Shelter Community with four shelter units at 211 West
3 Center Street. The application met criterion and standard in January of 2019 and was approved; one of the
4 conditions for approval was to have periodic review to be conducted after the first six months of
5 occupancy and annually thereafter. The shelter opened in March 2023 and the applicant had submitted a
6 compliance report and documentation for review. Director Gottgetreu provided a brief overview of the
7 history of the shelter application, development code revision, and past approval process. The applicant
8 had met all previous conditions for approval.

9
10 Director Gottgetreu displayed an aerial visual of the four shelters and provided the Commission with the
11 periodic review renewal criteria per development code SDC 2.2.200.N. Director Gottgetreu added the
12 review was to ensure the property and organization met operational standards and characteristics
13 previously approved. They then provided the post approval residency information for the shelters and
14 code compliance with operational standards. It was noted that the surrounding neighborhood had not
15 submitted noise complaint. If approved the applicant would be before the Planning Commission in
16 October of 2024 for review once more. Director Gottgetreu then iterated comment from the applicant.

17
18 **Director Gottgetreu opened the floor for questions.**

19
20 Commissioner Castle inquired about complaints from the surrounding community.

21
22 Director Gottgetreu stated there had been two police calls to the site.

23
24 Planning Associate Godlevsky clarified there had been three complaints. One for a suspicious vehicle- the
25 passenger had been a shelter resident; secondly a male passerby- resulted in non-relevance, and thirdly a
26 conflict between two residents over plantings.

27
28 Commissioner Jones asked if there were surveillance cameras on the site. They inquired if there was an
29 issue with gender specific housing.

30
31 Director Gottgetreu stated surveillance cameras were not a previous condition for approval; gender
32 specific housing was not a concern to the City.

33
34 Commissioner Matzka inquired about landscape requirements for screening to neighboring properties.

35
36 Madam Vice Chair Kaser iterated Municipal Code section SDC 2.2.200 subsection 10 for fencing
37 requirements and asked for clarification on abutting and adjacent properties.

38
39 Director Gottgetreu gave elucidation on the differential in properties and stated the applicant could
40 provide further information on the subject.

41
42 **Applicant Testimony:**

43 **Laura Antonson, 1012 Pine Street Silverton, OR 97381**

44 Laura stated they are a Committee member who has been working for two years to reengage the project;
45 due to Covid there was a hindrance in progression. The project abides by the rules of the [local] Church
46 and the overall Diocese of Oregon. Navigating the cottages at St. Edwards Church has been a process of
47 near two years. Laura inferred the property has six surveillance cameras and the footage is monitored
48 daily by the site manager while they check in with the residents. Laura addressed the comment of
49 landscape screening, they stated originally they had been approved for an evergreen hedge along the
50 eastern portion of the abutting property; the foliage did not survive; the organization is receiving quotes
51 for a site obscuring fence as an alternative.

1
2 **Laura opened the floor for questions.**
3

4 Commissioner Piaskowski asked for general information regarding staffing and management for the site.
5

6 Laura provided the cottage manager works part-time as a liaison between residents, the cottage
7 committee, and the church. The manager additionally ensures residents are attending case management
8 through Sheltering Silverton. The cottage committee consists of four members, and the site manager is
9 included in their meetings along with the Senior Warden of the St. Edwards church. The committee
10 additionally maintains correspondence with the Diocese of Oregon who perform background checks on
11 patrons and ultimately decide approval.
12

13 Commissioner Piaskowski asked about daily present staff and their duties with respect to management.
14

15 Laura iterated there is one staff member on site daily, either for a morning or afternoon shift, and they are
16 available by phone. Residents of the transitional shelter are capable of living on their own and do not
17 require twenty-four-hour surveillance. There has been more concern for people coming onto the property
18 in comparison to the residents.
19

20 Commissioner Matzka inquired about the three noted violations at the property. They asked what caused
21 the violations and who filed the complaints that resulted in the residents being evicted; what was the
22 process for resolve.
23

24 Laura stated the [committee] and the cottage manager held meetings regarding each resident involved in
25 eviction. It was the best decision to keep comradery for the residents and surrounding community.
26

27 Commissioner Matzka and Laura discussed the process for resolving issues when they arise in the cottage
28 program. The application process for residents' acceptance into the program was then discussed.
29

30 Commissioner Jones inquired about occupancy in the cottages and weatherization for the coming winter.
31

32 Laura provided the past occupancy and general residency within the cottages. Laura stated the cottages
33 are well insulated and equipped with electricity, heat, and air conditioners.
34

35 Madam Vice Chair Kaser inquired about who is responsible for case management for residents.
36

37 Laura inferred Sheltering Silverton provides case management, it is not one person at the organization.
38

39 Madam Vice Chair Kaser commended Laura for assisting a resident who transitioned to permanent
40 housing after a short time of five months.
41

42 Laura commented on the resident who moved to permanent housing stating they are the type of person
43 they want in their program. Laura stressed the difficulty of having to ask residents to leave in order to
44 keep good report and relations with the community and the church.
45

46 Commissioner Matzka inquired about the maximum length of stay the residents are allowed; is it a fair
47 amount or would altering the number be better.
48

49 Laura replied, the process for transitioning to permanent housing is dependent on the housing market and
50 waitlist. The current eighteen-month timeframe for residents is ideal.
51

1 **PROPONENT TESTIMONY:** There were no comments.

2
3 **OPONENT TESTIMONY:** There were no comments.

4
5 **NEUTRAL TESTIMONY:** There were no comments.

6
7 **STAFF FOLLOW UP:** There were no comments.

8
9 **REBUTTAL:** There were no comments.

10
11 Commissioner Matzka moved to close the public hearing, Commissioner Piaskowski seconded the motion
12 and it passed unanimously. The public hearing closed at **7:37pm.**

13
14 **DISCUSSION:**

15 Commissioner Piaskowski stated the information was consistent with what had been brought forth to the
16 Planning Commission at the original application. There is a positive record for the short time operation,
17 establishment of a code of conduct and client manual has been created, staffing and management seem to
18 be in a good place. Commissioner Piaskowski stated they believed the applicant met the criterion standard
19 for review.

20
21 Commissioner Matzka agreed with Commissioner Piaskowski and added the shelter community is almost
22 too quiet, they frequent the area often. Commissioner Matzka noted there had been a previous male
23 homeless presence on the stairs near Center Street and St. Edwards Church; this has not been the case
24 since the shelter has been open for occupancy. Commissioner Matzka added they did not see an issue with
25 the application; however, they would like to see the applicant follow through with the hedge/fencing
26 requirement.

27
28 Commissioner Castle stated they believed the program was admirable and they wished there were more of
29 them in Silverton. They added they thought the applicant was doing a great job and they were in favor of
30 the application renewal.

31
32 Commissioner Jones stated previously they were against the original approval for the application. After
33 the review and speaking with Laura they were impressed with the program and in favor of renewal.

34
35 Madam Vice Chair Kaser agreed with the previous comments from the Commission and added they
36 believed the program was working successfully and the applicant met the criteria for approval. They
37 would like to see the screen/fence installed and in a years' time a full report.

38
39 Commissioner Castle moved to approve the application renewal, Commissioner Matzka seconded the
40 motion and it passed unanimously.

41
42 Madam Vice Chair Kaser stated: anyone who desires to appeal the Planning Commissions decision must
43 do so within 10 days of the mailing of the notice of decision, an appeal of a Commission decision must be
44 made to the City Council.

45
46 **IV.REPORTS AND COMMUNICATIONS:**

47 Director Gottgetreu introduced the new City Manager Corey Miskey attending the meeting via Zoom.

48
49 Director Gottgetreu informed the Commission of the upcoming November meetings.

1 **V. ADJOURNMENT:**

2

3 The meeting was adjourned at **7:48pm**

4

5 /s/ Cleone Cantu,

6 Planning and Permit Assistant.

DRAFT

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

7:00 P.M.

November 14, 2023

The Planning Commission of the City of Silverton, met in person at the Silverton High School Library, located at 1456 Pine Street with a Teleconference option through the virtual meeting platform, Zoom on November 14, 2023 at 7:02 p.m. with Madam Vice-Chair Kaser presiding.

I. PLANNING COMMISSION ROLL CALL:

Present	Absent	
_____	X	Chairman Clay Flowers
X	_____	Madam Vice-Chair Cara Kaser
_____	X	David Castle
X	_____	Peter Matzka
X	_____	Rich Piaskowski
X	_____	Morry Jones
X	_____	Randell Walling

STAFF PRESENT:

Community Development Director, Jason Gottgetreu, Associate Planner Shauna Godlevsky, Planning and Permit Assistant, Cleone Cantu.

II. MINUTES: None.

III. BUSINESS FROM THE FLOOR: None.

IV. AGENDA:

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.

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

1 **the City sewer and water system. The application will be reviewed per Silverton Development Code**
2 **sections 4.10.140.**

3
4 Madam Vice-Chair Kaser reviewed the Public Hearing procedures for a formal Quasi-judicial
5 meeting and opened the public hearing at 7:04pm.

6
7 No Commissioners abstained, claimed conflict of interest, or declared ex parte contact for the
8 application before them. No member of the audience wished to challenge the jurisdiction of the
9 Planning Commission to hear the matter at hand. No member of the audience wished to
10 challenge the Planning Commission for bias, or conflict of interest.

11
12 Director Gottgetreu presented the annexation application to annex 827 Railway Avenue NE into the
13 City Limits and zone the property GC, General Commercial. The property is near an acre and a half and
14 the annexation would allow the existing building and potential future buildings to connect to City water
15 and sewer. The subject property is currently surrounded by the City limits on all sides classifying the
16 location in the unannexed enclave. The site is currently developed for a manufacturing and production
17 use, and a masonry business is on site. Director Gottgetreu referred to the City's Comprehensive Plan and
18 provided the current zoning of the site and adjacent sites in the area; with this the annexation was a
19 logical allowance. The public facilities, transportation network, and utilities were then provided. Director
20 Gottgetreu outlined the historical use of the property which created consistency if the property were to be
21 annexed. The urbanization of the subject property was iterated along with potential economic impacts.
22 The applicant had submitted a conceptual site plan of the property providing potential expansion, a visual
23 example was provided.

24
25 **Director Gottgetreu opened the floor for questions.**

26
27 Commissioner Piaskowski inquired about utility capacity versus current utilization.

28
29 Director Gottgetreu provided the process for the current sewer and water lines on the property.

30
31 Commissioner Matzka inquired about the water quantity use, will there be a higher demand.

32
33 Director Gottgetreu stated generally industrial manufacturing uses are not a high demand on water
34 systems.

35
36 Commissioner Piaskowski and Director Gottgetreu discussed future application for the site and design
37 review requirements.

38
39 Commissioner Jones and Director Gottgetreu discussed the zoning for the property.

40
41 Madam Vice Chair Kaser provided the parameters for public testimony.

42
43 **Applicant(s) Testimony:**

44
45 **Steve Kay, applicant representative of Cascadia Planning and Development Services, PO**
46 **Box 1920 Silverton, OR 97381.**

47 The applicant stated the property owner currently operates Kaufman Masonry within an existing
48 warehouse structure near nine thousand square feet. The business is a multi-generational
49 business and has been a piece of the Silverton community since 1956. Kaufman Masonry

1 specializes in fireplace, concrete block, brick, and stone construction. The company has
2 completed notable public projects around Silverton, including the Veteran Memorial at Town
3 Square Park, and the mosaic fountain in Coolidge McClaine Park. A portion of the warehouse is
4 leased to Tiny Mountain Homes, which construct homes in entirety. The subject property is a
5 small island within Marion County, however parcels to the East, West, and South are all
6 currently within City limits. Use of the property is currently constrained by the reliance on a well
7 on the site, and a septic holding tank which needs to be pumped every couple weeks. The
8 proposed annexation will allow the existing warehouse to connect to City water, and sanitary
9 sewer services within Railway Avenue. The submitted concept plan illustrated the property has
10 potential to develop a secondary warehouse would provide additional manufacturing and
11 production companies in Silverton. Future development would then be subject to City standards
12 with upgrades to the existing parking lot and landscaping. The applicants have reviewed the staff
13 report and do not have any concerns; they feel it is a cohesive representation of how the
14 application meets criteria for approval.

15

16 **Steve Kay opened the floor for questions.** There were none.

17

18 **PROPONENT TESTIMONY:** There were no comments.

19

20 **OPPONENT TESTIMONY:** There were no comments.

21

22 **NEUTRAL TESTIMONY:** There were no comments.

23

24 **STAFF FOLLOW UP:** There were no comments.

25

26 **REBUTTAL:** There were no comments.

27

28 Commissioner Matzka moved to close the Public Hearing, Commissioner Walling seconded the
29 motion and the hearing was closed by consensus at 7:19pm.

30

31 **DISCUSSION:**

32 Commissioner Piaskowski stated they do not have any concerns regarding the application, it
33 meets the criteria for annexation. Their questions had been answered regarding utility capacity
34 and can be revisited during design review. Commissioner Piaskowski would vote to approve the
35 application.

36

37 Commissioner Matzka concurred with Commissioner Piaskowski and stated they do not see any
38 issues with the application. It made logical sense.

39

40 Commissioner Jones was in favor of the application.

41

42 Madam Vice Chair Kaser stated the application made logical sense as the property was an island
43 of County jurisdiction in the middle of the City.

44

45 Commissioner Walling motioned to recommend approval of the application to the City Council.
46 Commissioner Matzka seconded the motion, and it passed unanimously.

1
2 **4.2 File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue**
3 **from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area**
4 **and is currently vacant. The application will be reviewed per Silverton Development Code sections**
5 **4.7.300.**
6

7 No members of the Planning Commission wished to abstain or declare conflict of interest.
8

9 Commissioner Jones declared ex parte contact. They reside near the property and drive by it
10 every day. They received a phone call from a citizen regarding the application and
11 Commissioner Jones recommended they attend the meeting. Commissioner Jones stated they are
12 willing and able to make a decision solely based on evidence.
13

14 No member of the audience wished to challenge the jurisdiction of the Planning Commission to
15 hear the matter before them. No member of the audience wished to challenge any individual
16 member of the Planning Commission for bias or conflict of interest.
17

18 Madam Vice-Chair Kaser reviewed the guidelines for public testimony.
19

20 Director Gottgetreu reviewed the zone change application for 602 Eureka Avenue. The
21 application requested a zone change from R-1, Single Family Residential to R-5, Low Density
22 Residential. The site is located on the South side of Eureka Avenue and South of Keene Avenue,
23 the property is 5.15 acres and currently vacant. The site underwent a previous land use decision
24 by the Planning Commission in 2021 and was approved by the City Council for a 21-lot
25 subdivision under the R-1 zoning district designated single family on the City's Comprehensive
26 Plan. The R-5 zone is listed as a compatible zoning district with the single-family residential plan
27 designation. Density requirements for R-5 zoning are development between five and ten units per
28 acre; comparatively the R-1 zone requires properties to develop at densities between two and six
29 units per acre. With this, theoretically, under R-1 zoning, density for the property has potential to
30 develop between ten and thirty-one units. Per State law House Bill 2001 the property may be
31 developed to the approved 21-lot subdivision with duplexes resulting in 42 dwellings. Under the
32 R-5 zoning, the property would have the potential to develop between 26 and 52 dwellings on
33 the site.
34

35 Director Gottgetreu addressed the Comprehensive Plan from an alternate point, which indicates
36 multifamily development should be encouraged, especially, but not limited to, areas close to the
37 central business district, or the walking districts to neighborhood commercial areas, or areas of
38 mixed-use designation. Additionally multifamily development should be scattered around the
39 community and not concentrated in any one area, preferably scattered within existing
40 neighborhoods.
41

42 Director Gottgetreu referred to the City's Housing Needs Analysis which was adopted as a
43 support document to the Comprehensive Plan in 2020. The document identified a deficit of
44 housing for low-income households indicating a need for a wider range of housing types for
45 renters and homeowners. The Housing Needs Analysis additionally indicated a deficit of land for
46 three hundred and four multifamily style dwelling units; not necessarily affordable units, but
47 multifamily style units; over the twenty-year planning period. Since the housing needs analysis

1 in 2020, ninety-seven multifamily units have been approved for development.

2
3 Director Gottgetreu presented the maximum traffic impact potential of the development. The
4 data was gathered from the Institute of Transportation Engineer Trip Generation Manual and
5 provided PM peak trips with differential between single family occupancy and multifamily
6 occupancy. R-1 single family occupancy for the site would add 21 PMPHT power trips to the
7 transportation system, duplexes would add an estimated 42 PMPHT trips to the transportation
8 system. If the site were developed under the 51-unit multifamily development proposal (with an
9 assumption of apartments) 31 PMPHT trips would be added to the transportation network; there
10 is a possibility for flexibility with this assumed amount as R-5 zoning allows for a variety of
11 uses.

12
13 Director Gottgetreu then displayed a visual example of the previously approved subdivision site
14 plan and informed the Planning Commission of the available utilities on the site. The differential
15 between R-1 and R-5 zoning was then provided with development housing options for each
16 category. Altering the current zoning for the site to R-5 would allow multiple styles of
17 development. Approval would depend on the development application displaying code
18 compliance and require additional public process and review. Director Gottgetreu then
19 summarized the potential density options for the site with comparison of R-1 and R-5 zoning.
20 They then addressed the drainage for the site as public comment had initiated concern.
21 Topography maps were displayed to the Planning Commission to illustrate the specifications of
22 the area along with the development standards for stormwater detention and retention and
23 potential flood events. Director Gottgetreu then elucidated the applicants previous plan for
24 stormwater. Public comment had additionally iterated concern for wetlands on the property to
25 which Director Gottgetreu confirmed the applicant had proposed to protect the wetlands.

26
27 **Director Gottgetreu opened the floor for questions.**

28
29 Commissioner Walling requested clarification on the drainage for the property.

30
31 Director Gottgetreu and Commissioner Walling discussed the proposed plan for stormwater.

32
33 Commissioner Jones and Director Gottgetreu discussed the water on the site and the possible
34 water usage if the application were approved and 51-units were developed. Updating the water
35 treatment plan was then discussed, there is not a current timeline. Commissioner Jones inquired
36 about density development for the site and if the Master Plan had indicated a need for housing
37 development in the area. Director Gottgetreu referred to the Housing Needs Analysis and
38 provided elucidation. Commissioner Jones and Director Gottgetreu then discussed the landscape
39 conservation standards for the site and the Oregon Garden access easement and water line use.
40 Pedestrian connectivity for the site was then discussed.

41
42 Commissioner Matzka asked for clarification on the current subdivision approval and the
43 potential buildable lot/units if the zoning change were allowed.

44
45 Director Gottgetreu outlined the approved lot potential and the possible development under R-5
46 zoning.

1 Commissioner Matzka and Director Gottgetreu discussed design criteria, density, and structure
2 standards, for R-1 and R-5 zoning.

3
4 Commissioner Piaskowski referenced the wetlands on the property in correlation with drainage
5 volumes and requested clarification on the proposed drainage location for the site.

6
7 Director Gottgetreu and Commissioner Piaskowski discussed guidelines and process for
8 development near wetlands. Drainage capacity was then spoken about in relation to R-1 and R-5
9 zoning. Commissioner Piaskowski mentioned a four hundred- and fifty-year-old Oak tree in the
10 wetland area. Director Gottgetreu conveyed general sustainability for Oak trees and direction of
11 drainage on the site.

12
13 The Planning Commission collectively discussed the modification of subsurface water flow on
14 the site.

15
16 Madam Vice Chair Kaser and Director Gottgetreu discussed the applicant's capability of
17 beginning the development process for the current approved application. Discussion was then
18 had on the zoning approval retainment with the land and the extension process for the application
19 and the applicants current request for extension.

20
21 Madam Vice Chair Kaser stated per the code the applicant is not obligated to present a
22 development plan for rezoning consideration.

23
24 Director Gottgetreu elucidated the review criteria for the application.

25
26 Commissioner Piaskowski asked if there were water pressure issues in the adjacent residential
27 areas; additionally, they inquired about the available utility capacities.

28
29 Commissioner Walling and Director Gottgetreu discussed the current subdivision approval
30 regarding drainage and the wetlands with the potential of revisiting the topics if a new
31 development plan were submitted.

32
33 Commissioner Piaskowski inquired about the design review process and minimum development
34 densities.

35
36 Commissioner Jones and Director Gottgetreu discussed current developable lots within the City
37 of Silverton and the housing deficit.

38
39 Madam Vice Chair Kaser asked for clarification on conditioning the application for approval and
40 the process for encumbrance on the previous approval.

41
42 Commissioner Walling and Madam Vice Chair Kaser discussed the process for disapproval of
43 the application.

44
45 **APPLICANT(S) TESTIMONY:**

1 **Britney Randall with Brand Land Use, representing the developer and property owner,**
2 **1720 Liberty Street SE, Salem Oregon 97302**

3 Britney stated they have reviewed the staff report and concur with the findings. They noted the
4 applicant prepared and provided a detailed narrative addressing the criteria to uphold the
5 required burden of proof for the application; specifically highlighting pages nine through twelve.
6 Britney referenced a subsection of page ninety-three: *“the requested designation for the site has*
7 *been evaluated against relevant comprehensive plan policies and on balance could be found to*
8 *be more supportive of the comprehensive plan as a whole than the current designation”* and
9 stated the staff report did an excellent job of going through and itemizing the housing needs
10 analysis and how the [proposed zone change] could fill a deficit in the City for alternative
11 housing types. Under the current subdivision approval generally single-family homes are
12 developed, after further review the potential for R-5 zoning was considered to fill the void. The
13 applicant(s) had a pre-application conference with City staff where a presentation was given for
14 the high [density] designation; with this, the applicants took consideration for feedback from
15 staff and community input from the previous application. Britney stated the applicant(s)
16 reevaluated their development plan after review of the Housing Needs Analysis and the City’s
17 Comprehensive Plan. Future development other than the approved subdivision would be before
18 the Planning Commission again and be subject to public process and development standards.
19 Britney addressed the public comment that stated the entire property was wetlands, the applicant
20 wished to clarify there is a small area on the site designated as wetlands and it would remain and
21 be protected, any change from the current subdivision approval would be subject to the rules and
22 regulations of the Department of State Lands. Britney then went over the minimum density for
23 the site. They addressed concern over utility capacities and stated the development would be
24 connected to City services. The applicant had minimal focus on presenting a development design
25 as there had not been a decision made; future development design will be to City standards.

26
27 **The floor was opened for questions.**

28
29 Commissioner Matzka and Britney clarified the minimum density for the site currently is ten
30 units.

31
32 Commissioner Piaskowski asked if the applicant is potentially moving forward with the current
33 approved lot layout.

34
35 Britney stated the 21-lot subdivision would meet the criteria for R-5 zoning, should the
36 application be approved it affords flexibility for a new plan to be presented to the City.

37
38 Commissioner Piaskowski and Britney discussed the flexibility options if the zone were
39 changed. There was not a solid design to present.

40
41 Commissioner Jones referenced the minutes from the previous application meeting and stated the
42 architect had relayed there had been a typo for duplex development, and the proposal intention
43 was for single-family homes. With this, Commissioner Jones asked why the applicant changed
44 their mind to switch to R-5 zoning.

45
46 Britney stated they were not included in the original approval, they were unaware of which

1 architect made the statement, and iterated the R-5 zone change is to allow flexibility and
2 different housing types. They want to fill the gap that is seen in Silverton's Housing Needs
3 Analysis and reiterated over and over in the Comprehensive Plan. The applicant may still move
4 forward with the development of 21 single-family dwellings as currently approved; R-5 zoning
5 affords more flexibility.

6
7 Commissioner Jones referred to the minutes from the previous meeting and iterated comment of
8 economics determining the number of lots. They stated an assumption for economics being the
9 driving force behind the zone change request.

10
11 Britney stated it is the flexibility of being able to develop the property appropriately with what
12 the housing need shows Silverton need.

13
14 Commissioner Matzka asked for clarification on the wording of *gap in housing* in Silverton; how
15 will the zone change fill the gap.

16
17 Britney stated the gap is shown in the staff report and is shown in the Housing Needs Analysis.
18 There is a surplus of single-family homes and a lack of differentiated housing types like
19 duplexes, tri-plex's, townhomes, cottages, multi-family apartments. The zone change would
20 continue to allow the 21 single-family dwellings but would afford the ability to fill the gaps of
21 the missing housing types in Silverton.

22
23 Commissioner Matzka and Britney discussed the potential of changing the lot design for the
24 property.

25
26 Commissioner Piaskowski asked if there was a timeline to develop conceptual design.

27
28 Britney stated there was not a current timeline for conceptual design, there is a deadline for the
29 subdivision of 2025.

30
31 Commissioner Piaskowski stated general process for zone change applications, typically the
32 Planning Commission is provided with design to assist in the decision-making process for the
33 application to ensure it meets the required criteria.

34
35 Britney stated if the design changed from the current zone approval, it would be presented once
36 again to meet the criteria for approval.

37
38 Madam Vice-Chair Kaser inquired about the driver for zone change.

39
40 Britney stated the ability to diversify the housing type [in Silverton] and have more flexibility.

41
42 Madam Vice Chair Kaser asked for description of the community outreach the applicant had
43 completed to assist in their request for zone change.

44
45 Britney stated there had not been community outreach. Based on information they gathered from
46 City staff at the pre-application conference their proposal was revised to R-5 zoning which falls

1 under the current Comprehensive Plan designation and meets statewide planning goals.

2
3 **PUBLIC TESTIMONY:**

4
5 **Proponent Testimony:** There was none.

6
7 **Opponent Testimony:**

8 **Dean and Lauren Christensen, owners of 110 Jade Hills Silverton, Oregon 97381 & 412**
9 **Eureka Silverton, Oregon 97381**

10 The two properties are downstream from the property in question. Dean stated they were not
11 necessarily speaking against the development. They had concerns and questions related to the
12 drainage. Dean relayed the previous plan addressed stormwater management by hitting the
13 southerly drainage way as it moves past the Oregon Garden and their properties, and not the
14 northerly drainage way. If the developer were to move forward and submit additional revised
15 plans and receive approval, they would continue to meet the criteria for stormwater management
16 from the City of Silverton. Additionally meet the criteria through drainage easements or
17 whatever needn't be sure charging the southerly drainage way with their stormwater and not
18 impacting their properties below with additional stormwater runoff. Lastly, Dean stated as
19 property owners downstream it is important, they do not receive negative impact from
20 stormwater in annual or an one-hundred-year event.

21
22 Commissioner Matzka asked about water flow near their property, has there been changes within
23 the last ten years on their property or near the wetland area.

24
25 Dean stated they had not noticed changes within the last ten years, there were significant changes
26 with the development of the Oregon Garden in the wetland area.

27
28 **Jenny Siewell, 847 Woodland Drive, Silverton Oregon 97381**

29 Jenny relayed concern for the families who live on Eureka and Edison Road; It was their
30 understanding that the water that feeds the properties is gravity fed. There have been water
31 pressure issues, and they have run out of water in the past. With the addition of 21 to 51 homes
32 Jenny stated they were concerned about the people's water capability with the gravity being fed
33 on Edison.

34
35 Director Gottgetreu clarified the proposed development would be on a separate system and
36 provided information on the utilities.

37
38 Jenny reiterated the potential number of homes on the property and relayed concern for increased
39 traffic in the area directly related to a nearby church and school. Jenny has witnessed children
40 and pedestrians' traffic in general in the area and inquired if speed zones would be altered.

41 Director Gottgetreu inferred the developer would be required to install sidewalks on the frontage
42 of the property near eleven-hundred feet, but they do not have to connect to existing systems on
43 Eureka. In terms of traffic and pedestrian crossings, these elements are addressed as development
44 is constructed.

45
46 Lastly, Jenny asked for clarification on the process if the R-5 zoning were approved and what the

1 design criteria would be with public process.

2
3 Madam Vice Chair Kaser clarified the processes and criteria for zone changes, and stated the
4 applicant would need to return to the Planning Commission if they proposed design other than
5 the approved 21-lot subdivision.

6
7 **Stephen Purdy, 884 Woodland Drive, Silverton Oregon 97381**

8 Stephen relayed concern for the flexibility the applicant referred to in terms of site development.
9 They asked if the zone change would allow for manufactured homes.

10
11 Director Gottgetreu stated there is a State law that cites any lot that allows a single-family home
12 must also allow a manufactured home.

13
14 Stephen iterated confusion and frustration toward the applicant for not providing a direct answer
15 on future design yet requesting the zone change. The flexibility comments did not provide
16 clarification.

17
18 **Neutral Testimony:**

19 **Mike Bliss, 879 Woodland Drive, Silverton Oregon 97381**

20 Mike inquired about the process for denial of the application and what the criteria are.

21
22 Madam Vice-Chair Kaser referenced page 89 of the staff report and stated the decision is a
23 Quasi-Judicial zoning amendment. They then summarized the eight criterium the Planning
24 Commission must utilize for consideration of the application to remain in compliance with the
25 statewide planning goal and relevance to the Comprehensive Plan of the City.

26
27 Director Gottgetreu and Mike discussed density potential and the applications compatibility with
28 the City's Comprehensive Plan and Housing Needs Analysis.

29
30 Madam Vice-Chair Kaser provided elucidation on the process for consideration of the
31 application.

32
33 **Rebecca Murphy, 614 Keene Avenue, Silverton Oregon 97381**

34 Rebecca stated they are a lifetime Silverton resident and they have four young children. Their
35 main concern is traffic and safety, with pertinence to the approved subdivision and the
36 application. Rebecca asked the applicant to keep children in mind and consider provisions for
37 sidewalks and a turn lane. They asked for consideration on moving the forty-five mile an hour
38 sign located in the area, currently the area is not safe.

39
40 Director Gottgetreu provided information on how community members can request a speed limit
41 change.

42 **Written Testimony:** See attached.

43
44 **Rebuttal:**

45 Britney stated regarding the unknown for development, it will be submitted in the future. To
46 determine feasibility is very expensive. To state putting the cart before the horse to approve the

1 zone change, prior to seeing what would be proposed, in Britney’s opinion, was the opposite.
2 They relayed coming to the [Planning Commission] with the 21-lot subdivision previously was
3 putting the cart before the horse before exploring all the opportunities that could be available on
4 the site. Britney iterated the applicant was not putting effort into being untransparent, they are
5 simply unaware of what the recommendation will be. If the application were to be approved then
6 the next step would be to develop feasibility and determine what sort of development makes
7 sense; then it would go through the same process of public hearings etc. depending on what is
8 proposed. Britney wanted to reiterate that any future development must happen for the frontage
9 of the site to be improved, meaning sidewalks etc. if the 21-lot subdivision continues, those
10 improvements would be made under approval. The applicants recognize and understand the
11 concerns surrounding neighbors and citizens. They have taken it into consideration and will
12 continue to if a different proposal is brought forward.

13
14 Commissioner Piaskowski stated concern for being unaware of the future development plans.
15 They asked if the Planning Commission extended the review period, was there potential for the
16 applicant to return with conceptual designs.

17
18 Britney said providing a conceptual design is not a part of the criteria, therefore they did not
19 think they could do that. It would be an additional investment, especially if the applicant was
20 unaware of the direction the [Planning Commissions decision was leaning] for any future
21 proposal to be subject for review.

22
23 Commissioner Piaskowski agreed in the accuracy of Britney’s statement, and added conceptual
24 designs would assist in the decision-making process to ensure congruency with the
25 Comprehensive Plan for the City.

26
27 Britney stated they believed they submitted supporting evidence and the staff report was clearly
28 directed at the criteria; they thought the application displayed satisfactory criteria and upheld the
29 burden of proof.

30
31 Commissioner Matzka iterated in the initial approval of the 21-lot site, there were discussions
32 about constructing a sidewalk across Eureka avenue. There was not a determination on whether
33 it was possible due to unconstructed sidewalks in the area. Commissioner Matzka asked if there
34 was a required crosswalk for the 21-unit approved development for pedestrians.

35
36 Commissioner Jones recalled discussion on safe routes to school with an island community on a
37 busy forty-five mile an hour road.

38
39 Commissioner Matzka iterated the applicant is asking for freedom to develop without confirming
40 the pedestrian safety for the current 21-lot subdivision approval.

41
42 Director Gottgetreu stated previously John Rasmussen an engineer with Marion County
43 commented on the crosswalk initiation, Eureka avenue is Marion County jurisdiction.

44
45 Britney added there are proportionality laws, should a greater density development be proposed,
46 the proportionality improvements could go up, therefore there could potentially be additional

1 requirements.

2
3 Commissioner Matzka added they were stating there was no confirmation for successful
4 pedestrian crossing for the current approved development at its density.

5
6 Commissioner Walling asked for clarification on the potential approval of the R-5 rezoning, the
7 applicant had stated they were unaware if they would continue to move forward with the 21-lot
8 subdivision or develop an alternative. If the R-5 were approved, the minimum density would be
9 twenty-five units, therefore Commissioner Walling added the 21-lot subdivision would not be
10 developed.

11 Britney disagreed.

12
13
14 There was collective discussion on the potential development of the site under R-1 and R-5
15 zoning. Additionally, discussion was had on if the R-5 zoning were approved and if it is not
16 congruent with the approved site plan, what the next steps would be.

17
18 Commissioner Walling iterated, the applicant is asking for an opportunity to develop either R-1
19 or R-5 zoning because the [Commission] cannot encumber a previously granted approval [the
20 21-lot subdivision). Commissioner Walling asked if the applicant would be agreeable with
21 maintaining the R-1 zoning and returning with a plan displaying the need for R-5 density in the
22 community.

23
24 The Commission considered continuing the hearing to receive additional information.

25
26 Director Gottgetreu provided clarification on code allowance for the development situation.

27
28 Commissioner Matzka moved to close the public hearing, Commissioner Walling seconded the
29 motion and it passed unanimously.

30
31 **The Public Hearing was closed at 9:20pm. The Planning Commission recessed until**
32 **9:33pm.**

33
34 **DISCUSSION:**

35 The Planning Commission considered the unique position they were in with the approved
36 subdivision and requested R-5 zoning. There was collective discussion on the previous
37 application meeting and the process that led to approval from the City Council.

38
39 Madam Vice-Chair Kaser read the eight criterion for the application consideration.

40
41 Concern was relayed for lack of information and insight into the applicants motive for rezoning
42 and their plan for development. Additional information was preferred to ensure the rezoning for
43 R-5 density aligned with the City's Comprehensive Plan and met the criterium. The Planning
44 Commission reviewed page ninety-two of the staff report which did find the R-5 zoning to be
45 compatible with the Comprehensive Plan designation. Pedestrian safety and connectivity to
46 schools was considered with a higher density for the property.

1 Commissioner Piaskowski asked Director Gottgetreu for clarification on the Comprehensive
2 Plan identifying the area as single-family, within the staff report criterion two, single family
3 would include R-1, R-5 and others. Commissioner Piaskowski requested confirmation if R-5 was
4 included.

5
6 Director Gottgetreu stated R-1 and R-5 are compatible zoning districts for the property within the
7 Comprehensive Plan.

8
9 The Planning Commission considered negative impacts if the application were approved. They
10 referred to the eight criterion and found inconsistencies. Under House Bill 2001 the applicant can
11 develop 42-units on the property. There was discussion on the applicant satisfying the burden of
12 proof to increase the density from what had been previously approved.

13
14 Madam Vice-Chair Kaser stated the Planning Commission is restricted on their process for
15 consideration of the application. They believed the application met the criteria. Negative impacts
16 can be subjective, the applicant has shown they meet the requirements needed; Madam Vice-
17 Chair Kaser stated they could not find constraints that were within what was allowed for
18 consideration.

19
20 Commissioner Walling motioned to recommend the City Council approval of the proposed zone
21 change as it meets the criteria, Madam Vice-Chair Kaser seconded the motion.

22
23 Commissioner Piaskowski reiterated for Commissioner Jones the following: The Housing Needs
24 Analysis summarized in the report identifies that there is a deficit. There is a benefit of making
25 the zone change, however as reported there are ninety-seven lots approved for multi-family, so
26 the City has several years to meet the housing need; therefore, Commissioner Piaskowski stated
27 they do not believe it is critical for the property to be designated as R-5 for purposes of meeting
28 the Housing Needs Analysis. An additional inconsistency lay with the Comprehensive Plan,
29 number two, four, and five do not align in their opinion.

30
31 Commissioner Matzka agreed with Commissioner Piaskowski and stated the application did not
32 align with having additional housing in an island community targeting needed housing that will
33 have school aged children in the household. If the location had connectivity, it would be feasible,
34 but [if approved] the creation of an island community with higher density outside of the walking
35 ability into the infrastructure of our community is not agreeable. With this, Commissioner
36 Matzka stated, the [application] does not meet the comprehensive goals, plans of the school
37 district, the City, or the transportation network.

38
39 Madam Vice-Chair Kaser stated they do not view the property as an island, the site has an
40 approved plan currently. Frontage and sidewalks will be developed, unfortunately with County
41 roads some infrastructure is not the City's jurisdiction. The property is near a neighborhood, it is
42 not segregated. The differential between R-1 to R-5 zoning is the shortest route to increasing
43 housing, the Planning Commission and the City Council will be reviewing future site-plans for
44 code compliance, Madam Vice-Chair Kaser believed the application met criteria looking strictly
45 at what the Planning Commission was legally allowed to consider.

1 The Planning Commission considered the adjacent properties and future frontage requirements.
2 Lack of information from the applicant was reiterated.

3
4 Commissioner Matzka relayed additional concern for approving the application.

5
6 The motion did not pass, 1:4

7
8 Commissioner Piaskowski motioned to recommend to the City Council the denial of the
9 proposed zone change as it does not meet the review criteria, Commissioner Walling seconded
10 the motion and it passed, 4:1.

11
12 **IV.REPORTS AND COMMUNICATIONS:**

13 Director Gottgereu informed the Planning Commission of upcoming meetings.

14
15 Commissioner Matzka requested new public notice signs.

16
17 **V. ADJOURNMENT:**

18 The meeting was adjourned at **10:22pm**

19 /s/ Cleone Cantu,

20 Planning and Permit Assistant.



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

STAFF REPORT

PROCEDURE TYPE III

LAND USE DISTRICT:

R-5, Low Density Residential

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 061W34DA

LOT #: 05800

SITE SIZE: 0.45 acres

ADDRESS: 216 Cherry Street

CASE FILE: PA-23-01

APPLICANT:

Lynn & Tracie Richman

PO Box 195

Silverton OR 97381

APPLICANT'S REPRESENTATIVE:

Steve Kay

PO Box 1920

Silverton OR 97381

OWNER:

Lynn & Tracie Richman

PO Box 195

Silverton OR 97381

LOCATION: Located north of Cherry Street
between Phelps Street and Welch Street.

PROPOSED DEVELOPMENT ACTION: Appeal of a Minor Partition approval to divide 216 Cherry Street, a 0.45 acre parcel identified as Marion County Assessor Map and Taxlot 061W34DA 05800, into three parcels with parcel 1 containing 5,092 square feet, parcel 2 containing 6,646 square feet, and parcel 3 containing 7,248 square feet. The parcels will be accessed via a 20' shared access and utility easement off Cherry Street.

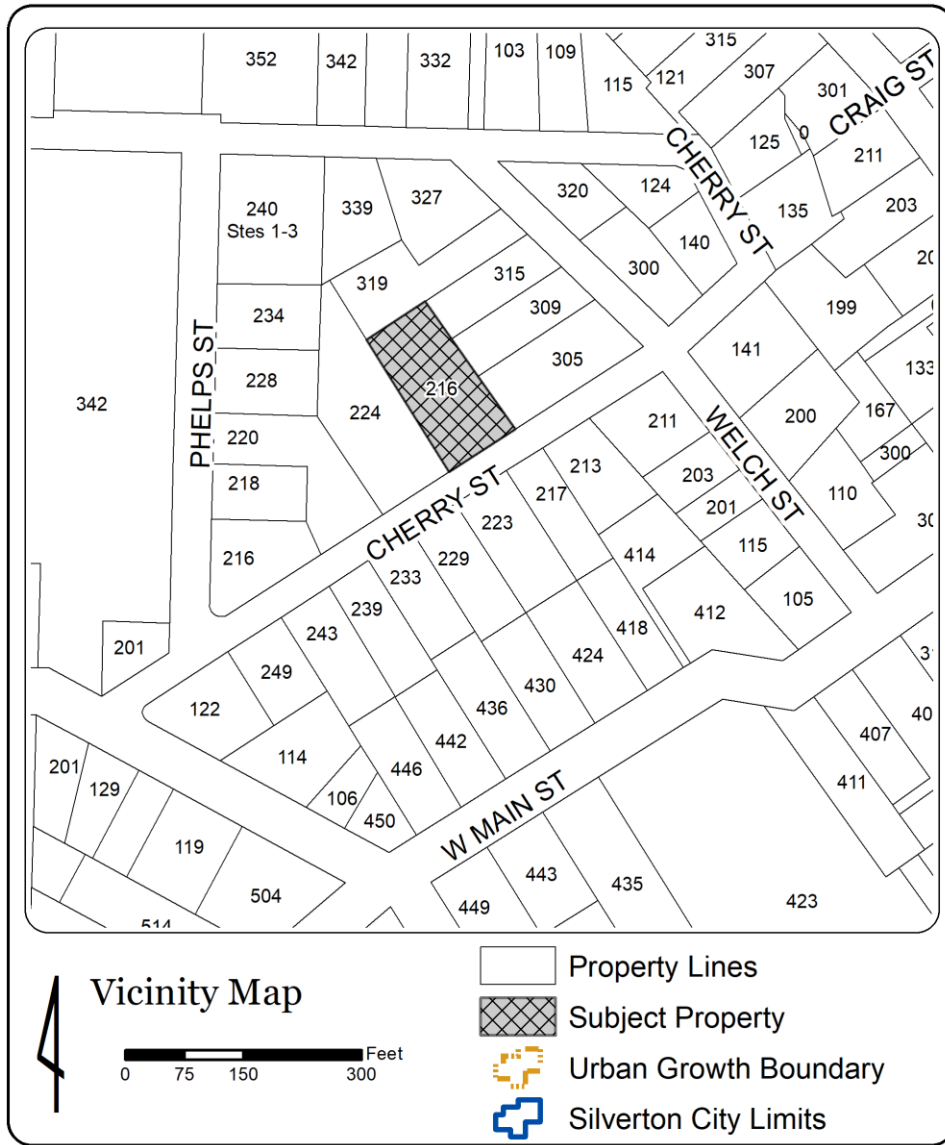
Attachments

- A. Vicinity Map and Site Plan
- B. Appeal
- C. Appeal Findings
- D. Applicant's Findings
- E. Conditions of Approval
- F. Staff Report
- G. Testimony

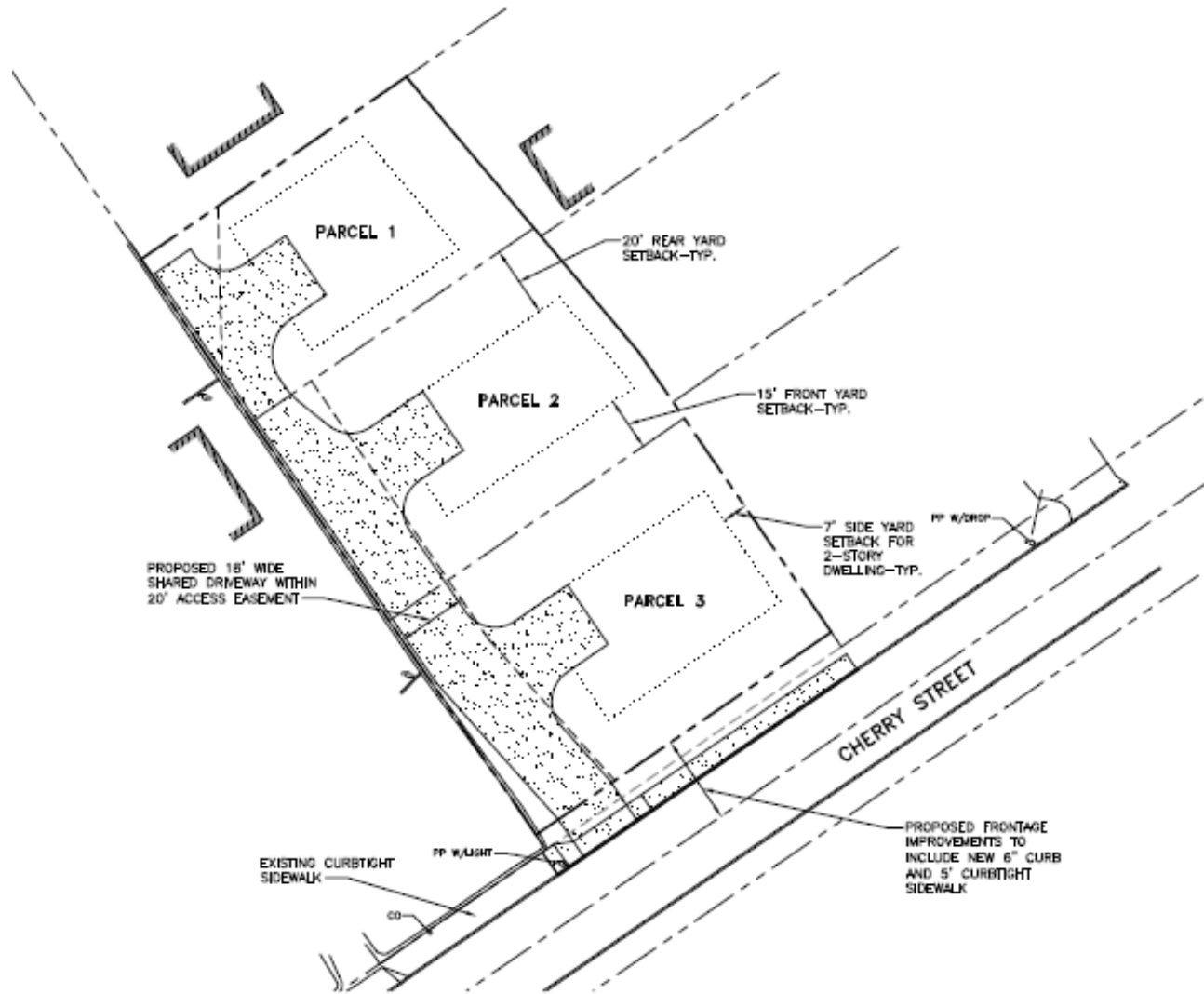
ATTACHMENT A: VICINITY MAP & SITE PLAN

Surrounding Land Use Districts

- North – R-5, Low Density Residential
- East – R-5, Low Density Residential
- South – R-1, Single Family Residential
- West – R-5, Low Density Residential



Site Plan



ATTACHMENT B: APPEAL

Katharine Brundridge
217 Cherry Street
Silverton, Oregon 97381
503-502-1751

City of Silverton
306 South Water Street
Silverton, Oregon 97381
Jgottgetreu@Silverton.Or.US

December 3, 2023

Appeal for R5 Low Density building on 216 Cherry Street
Dear Silverton City Council/Community Development Director,

I am the home owner of 217 Cherry Street writing to appeal the decision regarding the proposed R5 low density into 3 parcels with access easement with no turnaround onto Cherry Street. As a concerned resident of the neighborhood, I would like to express my strong reservations and present my case **against** the approval of this project.

First and foremost, I'm deeply concerned about the impact that the construction of Three additional homes will have on the already limited parking situation in our area. Currently there is not enough parking from the 224 parcel and other homes in the area. As well as the addition to Silverton Hospital and its traffic coming from the New Imaging Center/ER. Currently, I'm experiencing significant difficulties due to people parking in front of my house, often resulting in my driveway being blocked. Also using the existing driveway of parcel 216 and backing into my driveway. The addition of three more homes will inevitably lead to an increase in the number of vehicles requiring parking, exacerbating the existing parking issues. This will not only hinder my ability to access my property conveniently but will also pose a significant challenge for my elderly parents, who rely on easy access to my home.

Moreover, I would like to draw attention to the recent surge in traffic and parking since the establishment of the addition to Silverton Hospital which is day and night. The influx of vehicles has already strained the existing infrastructure and the construction of three more homes will undoubtedly worsen these challenges. The increased traffic and parking congestion not only inconvenience residents but also raise safety concerns and may impeded emergency vehicle, Delivery vehicles, Garbage trucks access.

Aside from these concerns, I would like to emphasize the environmental impact of the proposed construction. The removal of numerous trees from 216 parcel has significantly altered the landscape and diminished the historical charm that old trees bring to neighborhood charm. Preserving natural beauty and historical significance of our area is crucial, as it contributes to the overall quality of life for all residents- human and wildlife.

Given these concerns, I kindly request a reconsideration of the decision to proceed with the R5 low density building on 216 Cherry Street. It is imperative that the well being and accessibility of residents, particularly those with elderly family members, are prioritized. Exploring alternative solutions that address the parking challenges and preserve the unique character of our area should be paramount.

I appreciate your time and attention to this matter and trust that you will carefully review the points I have raised during the appeal process. It is my hope that through collaborative efforts, we can find a resolution that benefits the entire community.

Please do not hesitate to reach out to me if you require any additional information or if I can provide further assistance in this matter. I sincerely thank you for your understanding and look forward to a favorable response.

Yours Sincerely,
Katharine Brundridge

ATTACHMENT C: APPEAL FINDINGS

A. Background Information:

1. The applicant submitted a Minor Partition application request to divide a .45 acre parcel identified as Marion County Assessor Map and Taxlot 061W34DA 05800, into three parcels with parcel 1 containing 5,092 square feet, parcel 2 containing 6,646 square feet, and parcel 3 containing 7,248 square feet. The parcels will be accessed via a 20' shared access and utility easement off Cherry Street.
2. The application was reviewed as a Type II procedure and was approved with Conditions by Staff on November 27, 2023. The city may attach conditions that are necessary to carry out provisions of this code, and other applicable ordinances and regulations.
3. An appeal was filed on December 7, 2023.

B. Analysis of Appeal Issues

SDC 3.1.200 Vehicle Access and Circulation

Staff Analysis: The appellant indicates a recent surge in traffic with the construction of the new Silverton Hospital addition. The appellant has concerns the three new dwellings will add additional strain to the existing infrastructure and may impede emergency and other service vehicles. The Silverton Development Code requires a traffic impact study when any proposed development or land use action results in an increase of 20 single-family dwellings or 200 average daily trips. One dwelling is considered 10 daily trip and with the proposed addition of 3 dwellings the estimated additional average daily trips would equal 30. This is below the limits needed to require a traffic impact study. The traffic generated by the current hospital construction is due to construction workers and is a temporary increase.

The appellant states that vehicles are using the subject property's existing driveway, located at the center of the property, and then backing into her driveway. The location of the permanent shared access driveway will be installed to the far southwest corner of the property. The new location would make it difficult for anyone to back out of the subject property into the appellant's driveway. In addition, there is adequate space on the proposed site for vehicles to turn around.

The proposed use is for the construction of single family homes. Single family homes are allowed outright in the R-5 zone. ORS 197.307(4) requires that local government may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing.

SDC 3.3.300 Automobile Parking Standards

Table 3.3.300.A – Minimum Required Parking by Use

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Residential Categories	
<i>Household Living</i>	
Accessory dwelling	None
Single-family dwelling, including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit provided on-street parking is available. If on-street parking is not available, then each unit must provide 3 spaces.

Staff Analysis: The appellant states concern of increasing parking on Cherry Street combined with the added parking due to the Silverton Hospital construction. The applicant is required, at a minimum, to provide two covered parking spaces per dwelling when street parking is available. The city is not able to deny an application in regards to street parking concerns when the applicant is required to provide off-street parking. The applicable minimum parking standards will be met.

The influx of parking due to the construction of the hospital addition is temporary in nature due to construction workers adding an increase to parking demand. In addition, existing hospital parking lot spaces have been temporarily limited during construction but a new parking lot will be built to restore the original amount of parking spaces available.

The appellant also states issues with parked cars blocking driveway access. Blocked driveway access is a safety concern that is handled by the police department. The city can't deny an application as a result of individuals not following laws that are unrelated to applicable development code requirements.

ORS 197.307(4) requires that local government may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing.

SDC 3.2.200 Landscape Conservation

Staff Analysis: The appellant contends the recent removal of trees on subject property has had a significant impact on the neighborhood and wildlife. The applicant has removed 5 significant trees on the southwestern property line and 2 significant trees on the northeastern property line. The applicant was approved to remove the 5 southwestern trees as part of the site plan review, but the trees were removed prematurely. The 2 northeastern trees were conditioned to require an application submittal for approval before removal. An application was not received. Where removal of or impact of significant vegetation is proposed the city shall require mitigation through development review and shall be

proportionate to the loss of the significant vegetation. The applicant removed a Douglas Fir with a 22' dripline and a deciduous tree with a 16' dripline without approval. The applicant shall be required to replace these 2 trees with 5 new trees in addition to landscape requirements (**Condition 32**).

C. Staff Recommendation

Staff Recommends the Planning Commission confirm Staff Approval.

ATTACHMENT D: APPLICANT'S FINDINGS

The applicant submitted extensive detailed findings that are included in the record. All evidence relied upon by the Community Development Director to make this decision is in the public record, available for public review. Copies of this evidence can be requested from the City and review of this application may occur at Silverton City Hall, 306 South Water Street.

II. INTRODUCTION

The applicant and property owner, Lynn Richman, is requesting Preliminary Plat approval of a Minor Partition application. The subject site is currently configured as an existing single-family residential lot with frontage on Cherry Street. The property is identified by the Marion County Tax Assessor's Office as Tax Lot 5800 of Tax Map 61W34DA. The 0.45 acre parcel is located within the city limits of Silverton and is zoned R-5 (Low Density Residential). The proposed partition will allow Parcels 1-3 to be developed with single-family detached dwellings.

The subject site is located in an area that is characterized by a mix of residential uses. To the north is an R-5 zoned parcel that has been developed with two single-family detached residential units with access from Welch Street. Three R-5 residential lots are situated along the northeastern site boundary and are developed with single-family detached dwellings. South of the site and across Cherry Street, are several R-1 zoned parcels, also developed with single-family detached dwellings. To the southwest is another R-5 zoned property which is developed with a multi-family use.

As illustrated by the attached Preliminary Plat and Preliminary Site Plan, the applicant is proposing to replace the 6-in. curb and install a 5-ft. curb tight sidewalk along the Cherry Street frontage (see Exhibit 3). The proposed 5-ft. right-of-way dedication will provide 25-ft. from centerline, meeting Local Street standards. To provide shared access for Parcels 1-3, the applicant is proposing to develop an 18-ft. wide joint driveway within a 20-ft. private access and utility easement. In lieu of providing a turnaround at the end of the shared driveway, the applicant is proposing to install sprinklers to meet Fire Code standards for the single-family homes.

Per the attached Preliminary Utility Plan, public facilities are available to serve the proposed development. To provide utility services to the proposed lots, the applicant will extend sanitary sewer and water laterals from main lines within the Cherry Street right-of-way. Drainage from new impervious surfaces will be managed by individual stormwater facilities designed to Public Works standards on each of the proposed lots before it is discharged through the new concrete curb (see Exhibit 3).

This applicant's statement addresses the applicable provisions of the Silverton Development Code. A copy of the Application Form, Property Deed, and Preliminary Development Plans have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use application meets the criteria for approval.



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

**CHERRY STREET
PARTITION**

Location: 216 Cherry Street
Silverton, OR 97381
T.L. 5800 of T.M. 061W34DA
Marion County, Oregon

Prepared by: Steve Kay, AICP
Mason McGonagall, Ph.D. Arch

Prepared for: Lynn Richman
PO Box 105
Silverton, OR 97381

July 10, 2023

APPLICANT'S STATEMENT

PROJECT NAME: Cherry Street Partition

REQUEST: Preliminary Plat Approval for a 3-Lot Partition in the R-5 District

LEGAL DESCRIPTION: Tax Lot 5800 of Tax Map 061W34DA
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/PROPERTY OWNER: Lynn Richman
PO Box 105
Silverton, OR 97381
503-932-2080

SIZE: 0.45 acres +/-

PROPERTY ADDRESS: 216 Cherry Street
Silverton, OR 97381

I. **APPLICABLE REGULATIONS**

A. Silverton Comprehensive Plan

B. Silverton Development Code

Article 2: Land Use (Zoning) Districts

Chapter 2.2: Residential (R) Districts

Chapter 2.5: Floodplain Overlay District

Chapter 2.6: Hillside Protection Overlay District

Chapter 2.7: Wetlands and Riparian Overlay District

Article 3: Community Design Standards

Chapter 3.0: Design Standards Administration

Chapter 3.1: Access and Circulation

Chapter 3.2: Landscaping, Street Trees, Fences and Walls

Chapter 3.3: Parking and Loading

Chapter 3.4: Public Facilities

Article 4: Administration of Land Use and Development

Chapter 4.1: Type of Review Procedures

Chapter 4.3: Land Divisions and Property Line Adjustments

II. INTRODUCTION

The applicant and property owner, Lynn Richman, is requesting Preliminary Plat approval of a Minor Partition application. The subject site is currently configured as an existing single-family residential lot with frontage on Cherry Street. The property is identified by the Marion County Tax Assessor's Office as Tax Lot 5800 of Tax Map 61W34DA. The 0.45 acre parcel is located within the city limits of Silverton and is zoned R-5 (Low Density Residential). The proposed partition will allow Parcels 1-3 to be developed with single-family detached dwellings.

The subject site is located in an area that is characterized by a mix of residential uses. To the north is an R-5 zoned parcel that has been developed with two single-family detached residential units with access from Welch Street. Three R-5 residential lots are situated along the northeastern site boundary and are developed with single-family detached dwellings. South of the site and across Cherry Street, are several R-1 zoned parcels, also developed with single-family detached dwellings. To the southwest is another R-5 zoned property which is developed with a multi-family use.

As illustrated by the attached Preliminary Plat and Preliminary Site Plan, the applicant is proposing to replace the 6-in. curb and install a 5-ft. curbtight sidewalk along the Cherry Street frontage (see Exhibit 3). The proposed 5-ft. right-of-way dedication will provide 25-ft. from centerline, meeting Local Street standards. To provide shared access for Parcels 1-3, the applicant is proposing to develop an 18-ft. wide joint driveway within a 20-ft. private access and utility easement. In lieu of providing a turnaround at the end of the shared driveway, the applicant is proposing to install sprinklers to meet Fire Code standards for the single-family homes.

Per the attached Preliminary Utility Plan, public facilities are available to serve the proposed development. To provide utility services to the proposed lots, the applicant will extend sanitary sewer and water laterals from main lines within the Cherry Street right-of-way. Drainage from new impervious surfaces will be managed by individual stormwater facilities designed to Public Works standards on each of the proposed lots before it is discharged through the new concrete curb (see Exhibit 3).

This applicant's statement addresses the applicable provisions of the Silverton Development Code. A copy of the Application Form, Property Deed, and Preliminary Development Plans have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use application meets the criteria for approval.

III. FINDINGS

A. SILVERTON COMPREHENSIVE PLAN

COMMENT:

Except where required by the Silverton Development Code, this application is not required to address goals and policies related to the development of land since the Silverton Comprehensive Plan is implemented by the Code.

B. SILVERTON DEVELOPMENT CODE

ARTICLE 2: LAND USE (ZONING) DISTRICTS

Chapter 2.2: Residential (R) Districts

Section 2.2.110: Residential districts – Allowed land uses.

Table 2.2.110.A identifies the land uses that are allowed in the residential districts. The specific land use categories are described and examples of uses are provided in Chapter 1.6 SDC. Land uses may not be modified through a planned development, except as provided in Chapter 4.5 SDC. Table 2.2.110.B specifies the land uses allowed in the acreage residential district.

COMMENT:

The 0.45 acre subject site is located in the R-5 District. The applicant is requesting preliminary plat approval to partition the property and permit the future development of single-family detached dwellings on Parcels 1-3. Per Table 2.2.110.A, the proposed residential use is permitted within the R-5 District.

Section 2.2.120: Residential Districts – Development Standards.

The development standards in Table 2.2.120.A apply to all uses, structures, buildings, and development, and major remodels, in the residential districts. Table 2.2.120.B specifies development standards for the acreage residential district. The standards may be modified with approval of a planned development.

COMMENT:

As indicated on the attached Preliminary Development Plans, the applicant is requesting approval of a minor partition to divide Tax Lot 5800 into 3 single-family residential lots. Therefore, the development standards of Table 2.2.120A apply to this application. The attached Preliminary Plat indicates that proposed Parcels 1-3 meet the minimum 5,000 sq. ft. lot area standard. In addition, the plan demonstrates that the proposed lots meet the 40-ft. minimum width and 60-ft. minimum lot depth standards of the R-5 District (see Exhibit 3).

Section 2.2.130: Residential districts – Setback yards – Exceptions, reverse frontage lots and flag lots.

- A. Residential Yard Setbacks – Purpose. Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in Table 2.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra-wide sidewalks and street furnishings in multiple-family developments and in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.**

COMMENT:

The attached Preliminary Site Plan demonstrates that the proposed lots meet all of the setback standards of the R-5 District (see Exhibit 3).

Section 2.2.150: Residential Districts – Housing Density.

- A. Residential Density Standard. To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the comprehensive plan, all new developments in the residential districts shall conform to the minimum and maximum densities prescribed in Table 2.2.120, except as provided in subsections (A)(1) through (3) of this section:**

COMMENT:

Under the R-5 District density standards, development of the 0.45-acre subject site requires a minimum density of 2 units and a maximum density of 4 units (0.45 acre x 5 = 2.25 or 2 units; 0.45 acre x 10 = 4.45 or 4 units). The attached Concept Plan indicates that a 3-lot partition is proposed for the site, meeting the density standards of Table 2.2.120.

B. Residential Density Calculation.

1. **Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density range. Properties must be developed within the minimum and maximum range. Some properties may not be capable of accommodating development at maximum densities. Properties that cannot meet maximum density standards may consider transferring density and modifying allowable lot sizes and/or housing types through a planned development process. Typical constraints include street right-of-way requirements, parcel configuration, or the presence of natural features or physical constraints.**
2. **Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum lot area.**
3. **Housing density calculations resulting in fractions of dwelling units shall be rounded to the nearest whole number.**

COMMENT:

The proposed development meets the minimum and maximum density range of the R-5 district. Since Parcels 2 and 3 contain an access easement for the benefit of Parcels 2 and 3, the access area has been excluded from calculated lot areas (see Exhibit 3). As demonstrated above, the applicant has calculated the residential density using the required methodology.

Section 2.2.160: Residential districts – Lot Coverage and Impervious Surfaces.

COMMENT:

At this time, the applicant has not prepared specific building plans for Parcels 1-3. When detailed plans are submitted for building permit review, the City will verify that the proposed development meets the required lot coverage and impervious surface standards.

Section 2.2.170: Residential Districts – Building Height, Measurement and Exceptions.

COMMENT:

The applicant is not proposing an exception to the building height standards. As required, detailed plans will be submitted at the time of building permit review.

Section 2.2.180: Residential Districts – Building Orientation.

COMMENT:

While specific building plans have not been determined at this time, the attached preliminary plans demonstrate that the proposed lots are configured to allow conformance with the building orientation standards.

Section 2.2.190: Residential Districts – Architectural Design Standards.

COMMENT:

When detailed plans are submitted for building permits, the City will verify that the proposed development meets the required architectural design standards.

Section 2.2.200: Residential Districts – Special Use Standards.

COMMENT:

The applicant is not proposing to develop any of the uses listed under the special use standards, therefore this section does not apply.

Chapter 2.5: Floodplain Overlay District

COMMENT

The subject site is not located within the Floodplain Overlay District, therefore these standards do not apply.

Chapter 2.6: Hillside Protection Overlay District

COMMENT

The subject site is not located within the Hillside Protection Overlay District, therefore these standards do not apply.

Chapter 2.7: Wetlands and Riparian Overlay District

COMMENT

The subject site is not located within the Wetlands and Riparian Overlay District, therefore these standards do not apply.

ARTICLE 3: COMMUNITY DESIGN STANDARDS

Chapter 3.0: Design Standards Administration

Section 3.0.200: Design Standards – Applicability.

This article is applied differently based on whether a project is classified as a major project or a minor project. In addition to the following criteria, each chapter of this article contains “applicability” directions.

- A. **Major Project.** Major projects are those that require design review (Chapter 4.2 SDC), land division (Chapter 4.3 SDC), conditional use review (Chapter 4.4 SDC), or planned development (Chapter 4.5 SDC) approval. Such projects must conform to the applicable sections of all of the following chapters:
 - 1. Land use district standards (Article 2).
 - 2. Access and Circulation (Chapter 3.1 SDC).
 - 3. Landscaping, Street Trees, Fences and Walls (Chapter 3.2 SDC).
 - 4. Parking and Loading (Chapter 3.3 SDC).
 - 5. Public Facilities (Chapter 3.4 SDC).
 - 6. Historic Landmarks (Chapter 3.5 SDC).

COMMENT:

The applicant is requesting approval of a land division, therefore this application is considered a major project. As required, the submitted narrative has addressed all applicable sections of the SDC.

Chapter 3.1: Access and Circulation

Section 3.1.200: Vehicle Access and Circulation

- C. **Access Permit Required.** Access to a public street (e.g., a new curb cut or driveway approach) requires an access permit. An access permit may be in the form of a letter from the roadway authority to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable roadway authority, as determined through the review procedures in Article 4.

COMMENT:

The attached Preliminary Site Plan indicates that the subject site fronts Cherry Street. The roadway is classified as a Local Street and is under City of Silverton jurisdiction. The attached plans illustrate that the proposed shared driveway serving Parcels 1-3 will have a connection to the right-of-way. As required, a permit will be obtained from the City for the proposed access point.

- D. Traffic Impact Study Requirements. The public works director may require a traffic study prepared by a registered traffic engineer to determine access, circulation, and other transportation requirements in conformance with SDC 4.1.900, Traffic impact studies.**

COMMENT:

The applicant discussed access and circulation at a Pre-Application Conference with City staff. Since no transportation concerns were identified for the 3-lot development, a traffic impact study is not required for this application.

- E. Conditions of Approval. The public works director or other road authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.**

COMMENT:

When discussing the proposed land division with City staff, no specific conditions of approval or mitigation measures were identified for the proposed development. However, the attached Preliminary Site Plan demonstrates that the applicant is proposing to consolidate access for the proposed 3-lot partition.

- F. Corner and Intersection Separation – Backing onto Public Streets. New and modified accesses shall conform to the following standards:**
 - 1. Except as provided under subsection (F)(4) of this section, the distance between street intersections or other street accesses shall meet the minimum spacing requirements as provided in the transportation system plan.**

COMMENT:

Silverton’s Transportation System Plan (TSP) recommends access spacing of 10-ft. between a Local Street intersection and a driveway, and 10-ft. between separate driveways. As demonstrated by the attached Preliminary Site Plan, the proposed shared driveway location for Parcels 1-3 meets the required minimum spacing standards (see Exhibit 3).

- G. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic generated from development. Pedestrian connections, including connections through large sites, connections between sites (as applicable), and to adjacent sidewalks, must be provided and shall conform to SDC 3.1.300.**

COMMENT:

When reviewing potential transportation impacts, City staff did not determine that internal pedestrian circulation is required for the proposed 3-lot partition. As illustrated on the Preliminary Site Plan, the applicant is proposing to install a 5-ft. curbtight sidewalk along Cherry Street, providing a connection to existing pedestrian facilities to the southwest of the site (see Exhibit 3).

- H. Joint and Cross-Access – Requirements. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveway approaches for adjoining commercial, industrial and multifamily developments, and for other uses where they abut a collector or arterial street. When necessary for traffic safety and access management purposes, or to access flag lots, the city may require joint access and/or shared driveways in the following situations:**

COMMENT:

As mentioned above, the TSP provides recommended access spacing for Local Streets. The subject site does not front a collector or an arterial street, therefore a shared driveway is not required. However, a shared driveway is being utilized to minimize the number of driveway intersections with the adjacent public street.

- K. Access Connections and Driveway Design. All openings onto a public right-of-way (access connections) and driveways shall conform to all of the following design standards:**
 - 1. Driveway Approaches. Driveway approaches, including private alleys, shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction**

of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas. See also SDC 3.3.500, Loading areas.

2. **Access Connections.** Access connections shall be the minimum width practicable based on projected traffic volumes and functional requirements. For specific design and construction standards, refer to the public works design standards.

COMMENT:

At this time, the applicant is requesting land use approval of a 3-lot partition. When building permits are requested for development of Parcels 1-3, detailed plans will be submitted to demonstrate compliance with the access connection and driveway design standards.

3. **Driveways.** Driveways shall meet the following standards, subject to review and approval by the public works director:
 - a. **Single-Family Dwelling Driveways.**
 - i. **Maximum width of 12 feet per off-street parking space, up to a maximum of 32 feet for three or more off-street parking spaces.**
 - ii. **Recreational vehicle pads must be located within the side yard or rear yard to qualify for additional driveway width as an off-street parking space.**
 - iii. **No more than two driveways allowed per lot, with each driveway conforming to the requirements in subsection (K)(1) of this section.**
 - iv. **Combined driveways with abutting properties shall not exceed 40 feet in width.**
 - v. **Separate driveways must be spaced at least six feet apart.**

COMMENT:

The attached Preliminary Site Plan indicates that an 18-ft. wide shared driveway is proposed for Parcels 1-3. Detailed plans identifying the width of individual driveways which lead to garages on Parcels 1-3 will be submitted when building permits are requested. The attached plans demonstrate that the proposed lot configuration can accommodate the driveway width and spacing standards of this section.

- d. Driveway grades should be less than 12 percent. Those grades exceeding 12 percent shall be subject to review and approval by the building official. Grades of 12 percent may not exceed 300 feet in length. The applicant shall provide an engineered plan for any driveway exceeding a grade of 12 percent for review and approval by the building official. Before approval, the building official must determine the driveway does not pose a safety concern.**

COMMENT:

The attached Existing Conditions Plan indicates that the subject site contains minimal slopes, therefore driveway grades will meet the above standards. This standard will be verified by the City when building permits are issued for the development.

- e. Driveway cross-slopes shall not exceed two percent, and shall be designed to properly accommodate stormwater runoff.**

COMMENT:

As required, the cross-slope of driveways serving Parcels 1-3 will not exceed 2 percent. This standard will be verified by the City when building permits are issued for the development.

- f. Driveways 150 feet in length or more shall be provided with a vehicle turnaround meeting the approval of the Silverton fire district.**

COMMENT:

The attached Preliminary Site Plan demonstrates that the proposed shared driveway exceeds 150-ft. in length. At the Pre-Application Conference, it was determined that on-street parking along the south side of Cherry Street reduces the width of roadway so that the minimum turning radius for fire vehicles cannot be provided at the entrance for the shared driveway. In lieu of providing a turnaround at the end of the driveway, the applicant is proposing to install sprinklers for the proposed single-family homes.

- g. All driveways must be located the maximum distance which is practical from a street intersection. In no instance shall the distance**

from an intersection be closer than the following as measured from the near driveway edge, and the through curb line, as shown by the following illustration:

COMMENT:

As demonstrated by the attached Preliminary Site Plan, the proposed shared driveway is not located in the vicinity of a street intersection, therefore this standard does not apply (see Exhibit 3).

- 4. Driveway Construction. Driveway aprons connecting a driveway to a public street shall be constructed of concrete and installed consistent with the city's public works design standards. The public works director may require appropriate grade transitions between driveways and abutting sidewalks or walkways to address accessibility requirements. See Figure 3.1.200.K.**

COMMENT:

As required, the driveway apron for proposed Parcels 1-3 will be constructed of concrete and will meet Public Works design standards.

- L. Fire Apparatus Access Ways. When required under the Uniform Fire Code, city-approved fire apparatus access ways shall be provided in accordance with city standards.**

COMMENT:

The proposed shared driveway is 18-ft. wide and provides 20-ft. of clearance, meeting Fire Code standards. However, in lieu of providing a turnaround at the end of the driveway, the applicant is proposing to install sprinklers within the proposed single-family homes.

- M. Vertical Clearances. Driveways, private streets, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 13 feet, six inches for their entire length and width.**

COMMENT:

As required, the proposed shared driveway for Parcels 1-3 will meet the vertical clearance standards of this section.

- N. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between two feet and eight feet in height shall be placed in "vision clearance areas" on streets, driveways, alleys, or mid-block lanes where no traffic control stop sign or signal is provided, as shown in**

Figure 3.1.200.N. The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the public works director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, tree trunks and similar objects.

COMMENT:

The 15-ft. minimum vision clearance area for the shared driveway will be reviewed by the City when detailed construction plans are submitted for building permit review. The applicant is not proposing a variance from this standard.

O. Construction. The following construction standards apply to all driveways:

- 1. Surface Options. Driveways, parking areas, aisles, and turnarounds must be paved with asphalt or concrete. Other paving materials may be used, subject to approval by the public works director. For example, porous paving materials such as porous concrete, pavers set in sand, or concrete blocks that allow grass to grow through may be permitted to reduce surface water runoff and protect water quality.**
- 2. Surface Water Management. All driveways, parking areas, aisles, and turnarounds shall allow on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with the standards contained in the public works design standards. (Single-family dwellings and duplex dwellings exempt.)**
- 3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the city’s engineering design criteria and standard specifications.**

COMMENT:

At this time, the applicant is requesting preliminary approval of a 3-lot Partition application. When building permits are requested, detailed plans will be submitted to demonstrate compliance with the driveway surface options, water management, and apron standards.

Section 3.1.300: Pedestrian Access and Circulation.

- A. **Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing and duplex dwellings, shall provide a continuous pedestrian system. The pedestrian system shall be designed based on the criteria in subsections (A)(1) through (3) of this section:

COMMENT:

The proposed partition will facilitate the development of single-family detached housing. Therefore, the pedestrian access and circulation standards of this section do not apply.

Chapter 3.2: Landscaping, Street Trees, Fences and Walls

Section 3.2.200: Landscape Conservation.

- B. **Significant Vegetation.** “Significant vegetation” means street trees and plants within designated sensitive land areas such as floodplains, hillside protection areas, and wetlands, and trees not within such area that have a caliper of six inches or larger at four feet above grade; except that protection shall not be required for nonnative, invasive plants (blackberries, poison oak, poison ivy, etc.) and any plants designated by the city as prohibited.

COMMENT:

The attached Existing Conditions Plan identifies the location of existing trees that have a caliper of 6-in. or larger. As demonstrated by the Preliminary Site Plan, the applicant is proposing to remove several 6-in. or larger trees with the proposed development.

Section 3.2.300: Landscaping.

- A. **Applicability.** This section shall apply to all new developments requiring land use review and design review.

COMMENT:

At this time, the applicant is requesting preliminary plat approval of a Minor Partition application. Land Use Review will be conducted by the Community Development Director when building permits are requested for each of the proposed lots. Therefore, a landscape plan is not required for this application.

Section 3.2.400: Street Trees.

Street trees shall be planted in all new subdivisions and any project classified as a major project, except where specifically exempt under this code or where the reviewing body approves an

adjustment to the street design standards under SDC 3.4.100, Transportation standards. Planting of street trees shall generally follow construction of curbs and sidewalks; however, the city may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

COMMENT:

Since the applicant is proposing a land division, the 3-lot partition is considered a major project. To ensure that street trees avoid damage during the construction of dwellings on Parcels 1-3, the applicant is requesting that tree planting be deferred until final inspection of the dwellings.

Section 3.2.500: Fences and Walls.

COMMENT:

At this time, the applicant is requesting preliminary plat approval of the 3-lot partition. If fences or walls are proposed during development of the site, detailed plans will be submitted to demonstrate compliance with City standards.

Chapter 3.3: Parking and Loading

Section 3.3.300: Automobile Parking Standards.

- A. Vehicle Parking – Minimum Standards by Use. The number of required off-street vehicle parking spaces is determined in accordance with the standards in Table 3.3.300.A or, alternatively, through a separate parking demand analysis as described in subsection (A)(2) of this section.**

COMMENT:

The attached Existing Conditions Plan demonstrates that Cherry Street is currently developed with 24-ft. of pavement and parking is permitted along the south side of the street. Table 3.3.300.A indicates that a minimum of 3 off-street spaces are required per single-family dwelling unit if on-street parking is not available, while 2 off-street spaces are required if on-street parking is available. The applicant's Preliminary Site Plan illustrates that at least 2 off-street parking spaces can be accommodated within a garage on each lot, and another 2 off-street parking spaces can be provided on individual driveways which serve the parcels.

- C. On-Street Parking. On-street parking shall conform to the following standards:**
 - 1. Dimensions. The following constitutes one on-street parking space:**

- a. Parallel parking, each 22 feet of uninterrupted curb;
- b. Diagonal (45- to 60-degree) parking, each with 12 feet of curb;
- c. Ninety-degree (perpendicular) parking, each with nine feet of curb.

COMMENT:

Existing on-street parallel parking is available on the south side of Cherry Street in accordance with the above-mentioned standards.

F. General Parking Standards.

- 1. **Location.** Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been designed and developed in conformance with this code. Article 2, Land Use (Zoning) Districts, prescribes parking location for some land uses (e.g., the requirement that parking for some multiple-family and commercial developments be located to the side or rear of buildings), and Chapter 3.1 SDC, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian access way, landscape, or other undesignated area.

COMMENT:

Detailed plans which demonstrate compliance with off-street parking location standards will be submitted when building permits are requested for the proposed lots.

- G. Parking Stall Design and Minimum Dimensions.** All off-street parking spaces shall be improved to conform to city standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 3.3.300.F(1) and (2), and Table 3.3.300.F:

COMMENT:

As required, off-street parking for the proposed lots will conform to the City’s design and dimension standards. The City will verify that off-street parking areas meet required standards when detailed construction plans are submitted for building permit review.

Section 3.3.400: Bicycle Parking Requirements.

Except for single-family dwellings and duplex dwellings, all uses that are subject to land use review or site design review, as applicable, shall provide bicycle parking, in conformance with the standards in Table 3.3.400, and subsections (A) through (I) of this section.

COMMENT:

The applicant is requesting approval of a Minor Partition application. With approval of this application, single-family detached dwellings may be developed on Parcels 1-3. Per Table 3.3.400, bicycle parking is not required for the single-family use.

Section 3.3.500: Loading Areas.

- A. Purpose. The purpose of this section is to provide standards for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and to ensure that the appearance of loading areas is consistent with that of parking areas.**

COMMENT:

The proposed 3-lot partition is not defined as a large development, therefore this standard does not apply.

Chapter 3.4: Public Facilities

Section 3.4.100: Transportation standards.

- A. Development Standards. The following standards shall be met for all new uses and developments:**
 - 1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street, except as specifically allowed through a planned development approval under Chapter 4.5 SDC or as provided for flag lots under Chapter 4.3 SDC, Land Divisions and Property Line Adjustments.**

COMMENT:

The attached plans demonstrate that the proposed partition will result in 3 lots with a shared driveway connection to Cherry Street, a public roadway. As mentioned above, the applicant is planning to develop Parcels 1-3 with single-family dwellings. The attached Preliminary Development Plans demonstrate that the applicant is not proposing a planned development (see Exhibit 3).

2. **Streets within or abutting a development shall be fully improved in accordance with the transportation system plan and the design standards. Three-quarter-street improvements may be accepted only when requiring a full-width street improvement cannot be justified based on the proportionate impact of the development on the transportation system, as approved by the public works director. Where a less than full street is allowed, the minimum total paved width shall not be less than 28 feet to provide for two travel lanes and bicycle lanes, unless otherwise approved by the public works director.**

COMMENT:

The attached Preliminary Site Plan indicates that the subject site has frontage on Cherry Street, which is classified as a Local Street and is under City of Silverton jurisdiction. To match improvements to the southeast of the site, the applicant is proposing to install a new curb and a 5-ft. curbtight sidewalk along the street frontage. The applicant is also proposing to install a concrete apron for the shared driveway in accordance with the TSP and Public Works design standards. As required, the proposed concrete apron will be installed prior to the issuance of occupancy permits for dwellings on Parcels 1-3.

3. **Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable road authority.**

COMMENT:

The attached Existing Conditions Plan indicates that 40-ft. of right-of-way is currently provided for Cherry Street. To meet Local Street standards, the applicant is proposing to dedicate an additional 5-ft. of right-of-way along the road frontage. Per the attached Preliminary Site Plan, the applicant is also proposing to replace a 6-in. curb and install a 5-ft. curbtight sidewalk along the street frontage (see Exhibit 3).

4. **When development occurs with frontage on a substandard right-of-way and right-of-way dedication is not required as part of the development, the setback for the new development shall be calculated based on the anticipated future right-of-way.**

COMMENT:

To meet Local Street standards, the applicant is proposing to dedicate 5-ft. of additional right-of-way along the site's frontage, providing 25-ft. from centerline.

- 5. All new streets and drives shall be paved in accordance with design standards.**

COMMENT:

As indicated by the applicant's Preliminary Site Plan, no new streets are proposed with this Minor Partition application. At this time, specific building plans have not been determined for the proposed lots. When building permits are requested, the City will review detailed plans to verify that the proposed shared driveway meets Public Works standards.

- B. Guarantee. The city may accept a future improvement guarantee in lieu of street improvements if the following conditions exist:**

COMMENT:

The applicant is not proposing a fee-in-lieu for required street frontage improvements. Therefore, these standards do not apply.

- C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the city may approve the creation of a street by acceptance of a deed; provided, that the street is deemed in the public interest by the city council for the purpose of implementing the transportation system plan, and the deeded right-of-way conforms to the standards of this code.**

COMMENT:

As demonstrated by the attached Preliminary Site Plan, the applicant is not creating a new street with this Minor Partition application. Therefore, these standards do not apply.

- D. Creation of Access Easements. The city may approve an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1 SDC, Access and Circulation. Access easements shall be created and maintained in accordance with applicable provisions of the Uniform Fire Code.**

COMMENT:

The Existing Conditions Plan demonstrates that the 0.45 acre site is currently configured for a single-family dwelling, therefore available frontage on Cherry Street is limited. To access the rear of the site, a shared driveway with a flag lot configuration is proposed for the partition. As required, a private access easement is proposed for the shared driveway serving Parcels 1-3 (see Exhibit 3).

- E. Street Location, Width, and Grade. The location, width and grade of all streets shall conform to Figures 3.4.100(E)(1) through (3), the transportation system plan, and approved street plans or subdivision plats. Street location and design shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets as follows:**

COMMENT:

The attached Existing Conditions Plan indicates that Cherry Street is currently paved with a 24-ft. wide asphalt surface and curbs. Currently, a sidewalk is installed along the frontage of the property to the southwest of the subject site. In compliance with the above requirement, the applicant is proposing a 5-ft. sidewalk improvement with a 6-in. curb along the site's frontage, connecting to the existing sidewalk system.

- F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements must conform to the standards and specifications of the transportation system plan and design standards. Where a range of right-of-way or roadway width is indicated, the width shall be the narrower in the range unless unique and specific conditions exist as determined by the reviewing body based upon the following factors:**
 - 1. Street classification in the transportation system plan;**
 - 2. Anticipated traffic generation;**
 - 3. On-street parking needs;**
 - 4. Sidewalk and bikeway requirements based on anticipated level of use;**
 - 5. Requirements for placement of utilities;**
 - 6. Street lighting;**
 - 7. Minimize drainage, slope, and sensitive lands impacts;**
 - 8. Street tree location, as provided for in Chapter 3.2**

SDC;

- 9. Protection of significant vegetation, as provided for in Chapter 3.2 SDC;**
- 10. Safety and comfort for motorists, bicyclists, and pedestrians;**
- 11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;**
- 12. Access needs for emergency vehicles; and**
- 13. Transition between different street widths (i.e., existing streets and new streets).**

COMMENT:

Cherry Street is classified as a Local Street and is under City of Silverton jurisdiction. To meet right-of-way width standards, the applicant is proposing to dedicate 5-ft. along the site's frontage, providing 25-ft. from centerline. Since the frontage is currently improved with 24-ft. of pavement but lacks the required sidewalk, the applicant is proposing to install pedestrian facilities along the Cherry Street frontage.

- G. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and circulation design standards, as applicable:**

COMMENT:

The applicant is requesting preliminary plat approval of a 3-lot partition along an existing street. As shown on the Preliminary Site Plan, a connection to the existing sidewalk to the southwest of the site will be provided. Other subdivision street connectivity standards do not apply to this application.

- H. Traffic Signals and Traffic Calming Features.**

COMMENT:

The applicant is neither proposing nor required to install traffic signals or traffic calming features with the proposed 3-lot partition. Therefore, these standards do not apply.

- I. Future Street Plan and Extension of Streets.**

- 1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development. The plan must show the pattern of existing and proposed future streets from the boundaries of the proposed land division and include other divisible parcels within 600**

feet surrounding and adjacent to the subject site. The street plan is not binding; rather, it is intended to show potential future street extensions with future development.

COMMENT:

This proposal does not include a subdivision application.

- J. **Street Alignment and Design.** The alignment, design and construction of all streets, including vehicle and bicycling travel lanes, bus pullouts and waiting areas, sidewalks, planter strips, tree wells, street furnishings, driveway approaches (dimensions, spacing, access limitations), intersections, grades, horizontal and vertical curves, cul-de-sacs, and other improvements, shall conform to the city of Silverton design standards.

COMMENT:

The applicant is not proposing to develop a new street with this Minor Partition application. The preliminary development plans indicate that the applicant will install a concrete apron for the shared driveway.

Section 3.4.200: Public Use (Park) Areas.

A. Dedication of Public Use (Park) Areas.

- 8. **Cash in Lieu of Dedication.** At the city's discretion, the city may accept cash payment in lieu of land dedication. The amount of the cash payment shall be set by the city council by resolution and shall be based on the parks and recreation system development charges (SDC) methodology update report. The fee shall be paid prior to the signing of the final plat, or with multifamily development (when there is no final plat) payment shall be required prior to the issuance of permits and prior to the commencement of construction.

COMMENT:

If required prior to signing of the final plat, the applicant will pay a fee-in-lieu of dedicating land for park use.

3.4.300: Sanitary sewers, water, street lights and fire protection.

- A. **Sanitary Sewer, Storm Drainage and Water System Improvements.** 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. Where public sanitary sewer or water service is not available within 300 feet of a property, private wells and septic systems may provide service for the development of a single-family dwelling or use serving the public on parcels containing at least two acres; provided, that a petition for improvement/waiver of remonstrance is signed for their share of the costs for and future connection to public water and sewer services. These provisions are supplementary to the provisions in Chapters 13.12 and 13.36 SMC. Any private well or septic system allowed by this section must be approved by Marion County and the State Water Resources Department.

COMMENT:

Public water and sanitary sewer main lines are currently located within the Cherry Street right-of-way. The applicant is proposing to extend sanitary sewer laterals and water laterals from the main lines within Cherry Street through a proposed access and utility easement serving Parcels 1-3. Stormwater drainage from new impervious surfaces will be managed by individual stormwater facilities in accordance with Public Works standards before drainage is discharged through the curb into Cherry Street (see Exhibit 3).

Section 3.4.400: Storm Drainage and Erosion Control.

- A. General Provisions.** The city shall issue a development permit only where adequate provisions for stormwater runoff and erosion control have been made in conformance with the city of Silverton storm drainage master plan and public works design standards.

COMMENT:

The attached Preliminary Utility Plan indicates that individual stormwater facilities will be provided on each of the proposed lots consistent with Public Works standards (see Exhibit 3). As required, erosion control measures for future development of Parcels 1-3 will also conform to City standards.

- B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing stormwater. Such facilities shall be subject to review and approval by the public works director.
- C. Effect on Downstream Drainage.** Where it is anticipated by the public works director that the additional runoff resulting from the development will overload an existing drainage

facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development. Stormwater detention and/or retention facilities, including water quality treatment, may be required in conformance with city standards.

- D. **Over-Sizing.** The city may require as a condition of development approval that storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable storm drainage master plan. Over-sizing of facilities may be eligible for credit towards SDCs.

COMMENT:

The attached preliminary development plans demonstrate that new culverts or off-site drainage facilities are not proposed for this 3-lot partition. The submitted Preliminary Utility Plan indicates that drainage from new impervious surfaces will be managed by individual stormwater facilities in accordance with City standards (see Exhibit 3).

- E. **Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

COMMENT:

The attached Existing Conditions Plan indicates that the subject site is not traversed by a watercourse, drainageway, channel or stream. Therefore, these standards do not apply.

- F. **Erosion Control.** Specific erosion control measures shall be designed, installed and monitored in conformance with the city's design standards. City-approved erosion control measures must be in place prior to, during and after construction activities for projects that disturb one or more acres of land over a period of time. A National Pollution Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit.

COMMENT:

As required, erosion control measures will be installed and appropriate permits will be obtained prior to the commencement of construction activities.

- G. Detention. All required stormwater detention must provide for the 25-year storm event. Detention shall be located in underground facilities, or, if aboveground detention is utilized, it shall be with the review and approval of the public works director.**

COMMENT:

As required, stormwater facilities will be sized to detain drainage for the 25-year storm event. Detailed plans will be submitted for storm facilities on the individual lots when building permits are requested for the proposed development.

Section 3.4.500: Sidewalks.

- A. Requirement. Sidewalks shall be constructed on all public streets in the city by the owners of property next adjacent thereto. As such, sidewalks shall be constructed in accordance with the specifications hereinafter provided. All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets if there is an existing sidewalk within 500 feet on the same side of the street.**

In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction. This provision shall also apply to local streets that serve commercial and multifamily development. Sidewalks are required on both sides of all streets except in hillside developments and mini-subdivisions. If an interim street standard is being constructed which does not include bike lanes or sidewalks, interim bikeways or walkways for pedestrians shall be provided through construction of paved roadway shoulders at least eight feet in width on arterials and six feet on other streets.

- B. Specifications for Construction. Specifications for the construction of the various kinds of walks provided for have been made by the city engineer and filed in the office of the city recorder, which specifications are hereby especially referred to and by reference are made a part hereof; provided, however, that changes may be made in such specifications by the city council at any time, and when so**

made and approved and filed in the office of the city recorder, such changed or amended specifications shall become a part hereof the same as though such specifications were now on file in the office of the city recorder.

COMMENT:

The attached Existing Conditions Plan indicates that the subject site has frontage on Cherry Street, which is classified as a Local Street and is under City of Silverton jurisdiction. An existing sidewalk is located along the frontage of the lot to the southeast of the site. The submitted Preliminary Site Plan demonstrates that the applicant is proposing to install a sidewalk along the Cherry Street frontage to connect to the existing pedestrian facility (see Exhibit 3).

- C. Mid-Block Requirements. In the case of blocks greater than 500 feet in length, the review body shall require mid-block pedestrian walks and/or bikeways on a right-of-way at least 20 feet in width with a minimum eight-foot-wide paved surface. All walkways or bikeways between streets shall be subject to the requirements of the public works director.**

COMMENT:

Due to the subject site's distance from the intersection of Welch Street and Cherry Street, a mid-block accessway is not required for this land division.

- D. Design, Width, and Location. All sidewalks must be constructed, replaced or repaired in accordance with the Silverton transportation system plan and the Standard Construction Specifications. The required width and location of sidewalks is as follows:**
 - 2. Sidewalks along residential and other local streets must be a minimum of five feet in width. Street trees shall be selected from the list of approved street trees established by the city. Other tree species may be approved if they have similar qualities as those on the list. The planter strip shall be of permeable materials.**

COMMENT:

The attached Existing Conditions Plan demonstrates that a 5-ft. wide curbtight sidewalk is currently installed along Cherry Street to the southwest of the site. The applicant is proposing to install a 5-ft. curbtight sidewalk to connect to the existing pedestrian facility (see Exhibit 3).

- 4. Regardless of other provisions contained in this section, any sidewalk project that is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the city public works**

director.

5. **Where obstructions exist or are proposed (including but not limited to mail boxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, etc.), provisions must be made to maintain a minimum of four feet of unobstructed sidewalk width on local streets, five feet on collector and arterial streets, and five feet in the downtown commercial district.**

COMMENT:

The attached Preliminary Site Plan demonstrates that the proposed 5-ft. wide sidewalk will provide at least 4-ft. of unobstructed width along the site frontage.

6. **Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner. Planter strips shall be landscaped and maintained in like manner to the front yard setback requirements of Article 3, Community Design Standards.**

COMMENT:

A planter strip is not proposed along the site frontage. As required, the proposed sidewalk will be maintained by the future owner of Parcel 3.

7. **Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers. All sidewalks shall be constructed to the official city specifications grade and at such lateral grade or slope as has been or may be specified in the general specification therefor by the city engineer. Grades shall be furnished without charge to property owners, when applied for, for the purpose of constructing sidewalks.**

COMMENT:

As required, the proposed sidewalk will be parallel to Cherry Street and will be constructed to the City's specified grade.

8. **Pedestrian/bike access ways not adjacent to a public street shall be a minimum of 20 feet wide and dedicated to the public. The access way improvement shall be a minimum eight-foot-wide paved surface and shall be provided with pedestrian-scaled lighting along**

the access way. Lighting shall not shine into adjacent residences. Trees shall be provided within the dedicated access way in accordance with the requirements of Chapter 3.2 SDC.

COMMENT:

This application does not include a pedestrian/bike accessway, therefore this section does not apply.

- E. Conformance to Street Grades. All sidewalks constructed adjacent to a street must be placed upon the street grade as established at the time of sidewalk construction. If a space is left between the property line and the sidewalk and/or between the sidewalk and the curb, the space shall be filled and surfaced with earth or other approved material level with the sidewalk. Grade shall be furnished without charge to property owners, when applied for, for the purpose of constructing sidewalks.**

COMMENT:

The existing grade adjacent to the street is generally flat. As required, the yard adjacent to the proposed sidewalk will be surfaced with earth and will meet the above grading standards.

- F. Timing of Sidewalk Construction. Sidewalk construction may be deferred until the proposed improvement on the property is completed. No occupancy permit shall be issued by the building official for a development until the provisions of this title are satisfied. The public works director shall require a future improvement assurance (as described in SDC 3.4.700) when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:**
 - 1. In the case of all property other than industrial:**
 - a. The street is not improved with curbs.**
 - b. Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk.**
 - c. Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street.**
 - d. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible.**

- e. The location is not on a designated collector or arterial street.
- f. Less than 70 percent of the property frontage is developed with sidewalks along that side of the block, except in the case of a new or developing subdivision, in which case, sidewalks shall not be deferred.

COMMENT:

Sidewalk and curb construction will coincide with utilities and stormwater drainage installation. As required, the public improvements will be completed prior to building occupancy.

Section 3.4.600: Utilities.

A. Underground Utilities.

- 2. **New Development.** The following additional standards apply to all new development, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all aboveground equipment does not obstruct required vision clearance areas;
 - b. The city reserves the right to approve the location of all surface-mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - d. Stubs for service connections shall be sufficient in length to avoid disturbing the street improvements when service connections are made.

COMMENT:

Prior to installation of utility services for Parcels 1-3, the developer will coordinate with the City and other utility service providers. As required, the utilities will be placed underground in accordance with City standards.

Section 3.4.700: Construction plan approval and assurances.

- A. **Plan Approval and Permit.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements, shall be undertaken except after the plans have been approved by the city, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the city for construction and other services in connection with the improvement. The permit fee shall be set by the city council.
- B. **Performance Guarantee.** The city may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements. See Chapter 4.2 SDC, Land Use Review and Design Review, and Chapter 4.3 SDC, Land Divisions and Property Line Adjustments.

COMMENT:

As required, the applicant will pay appropriate fees and obtain necessary permits before any required public improvements are installed. If required, the developer will provide a performance guarantee for the public improvements.

- C. **Petition for Improvement/Waiver of Remonstrance.** Existing single-family residential lots of record and lots created by a land partition may be developed, provided the lots are subject to a petition for improvement/waiver of remonstrance for a future assessment district for the lacking public facilities as determined and approved by the public works director in consultation with the Silverton fire district.

COMMENT:

The applicant is not requesting to sign a petition for improvement/waiver of remonstrance for the required sidewalk on Cherry Street. Therefore, these standards do not apply.

Section 3.4.900: Easements.

- A. **Provision.** The developer is responsible for making arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. Public main line utility easements shall conform to city specification. See the design standards.

COMMENT:

The Preliminary Plat indicates that the applicant is proposing a 20-ft. private access and utility easement for Parcels 1-3 (see Exhibit 3). An additional overhead utility easement benefiting 321 Welch Street and 323 Welch Street may also be provided if PGE is unable to relocate the existing lines in the northwest corner of the site.

ARTICLE 3: COMMUNITY DESIGN STANDARDS

Chapter 4.1: Type of Review Procedures

Section 4.1.100: Purpose and applicability of review procedures.

- 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).

- 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;

COMMENT:

Table 4.1.100 indicates that Partition application follows the City’s Type II decision process. As required, this request for land use review is being processed through a Type II procedure.

Chapter 4.3: Land Divisions and Property Line Adjustments

Section 4.3.110: General requirements.

- C. Future Redivision Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the land use district), the city shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district

and this code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the densities and lot sizes in Article 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
3. A disclaimer that the plan is a Preliminary plan intended to show potential future development. It shall not be binding on the city or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

COMMENT:

The attached Preliminary Plat indicates that none of the proposed parcels have the potential to be divided into 2 lots in the future, therefore this section does not apply.

- H. **Need for Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.

COMMENT:

The attached Preliminary Utility Plan demonstrates that the proposed lots can be fully served by the proposed underground sewer, gas, electrical, and water facilities.

- I. **Need for Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

COMMENT:

To meet the need for adequate drainage, the applicant is proposing to direct stormwater from all new impervious surfaces to individual stormwater facilities on each of the parcels. The facilities will meter the flow of stormwater before it drains through pipes and discharges through the new concrete curb. When building permits are requested, detailed plans will be submitted to demonstrate that the storm facilities meet City standards.

Section 4.3.115: Flexible lot size – Lots without street frontage – Flag lots – Minisubdivisions.

- C. **Flag Lots.** Flag lots are discouraged and allowed only when absolutely necessary to provide adequate access to buildable sites in infill situations where the dedication and improvement of a public street cannot be provided or the lots take access from an access-restricted roadway. Flag lots are generally not allowed in new subdivisions. A single flag lot may be allowed in a subdivision, provided the variance process is undertaken and all review criteria are met. The review body may approve a flag lot in conjunction with a partition approval only where all lots in the partition meet all of the following criteria. Where the following criteria conflict with requirements of the applicable land use district, the following criteria shall apply:
 - 1. **The minimum lot area standards for the district must be met for all lots in the partition;**

COMMENT:

The attached Preliminary Site Plan and Preliminary Plat demonstrate that Parcels 1 and 2 are configured similar to flag lots. The plan indicates that the access easement on Parcels 2 and 3 has been subtracted when calculating the minimum lot area for the parcels. As required, all of the proposed parcels meet the minimum 5,000 sq. ft. lot area standard.

- 2. **Not more than three parcels may receive vehicle access from the flag “pole” portion of the flag lot partition, provided one of the lots has adequate street frontage;**

COMMENT:

The submitted Preliminary Plat demonstrates that Parcel 3 has adequate frontage on Cherry Street. The proposed shared driveway provides access to only Parcels 1-3. Therefore, the above standards are met.

- 3. **An irrevocable reciprocal access and maintenance easement, subject to review and approval of the community development director, shall be recorded on the plat;**

COMMENT:

Since Parcels 1-3 will have access through a shared driveway which connects to Cherry Street, a reciprocal access and maintenance easement is required. The submitted Preliminary Plat identifies the location of the proposed easement.

- 4. The flag pole access must have a minimum width of 20 feet, except the city engineer may require a minimum width of 25 feet where the pole provides access to two or more lots;**

COMMENT:

As demonstrated by the attached Preliminary Site Plan, the proposed flagpole on Parcel 3 has a minimum width of 20-feet. An additional 5-ft. width requirement has not been specified by the City, therefore this standard is met.

- 5. A minimum building setback of five feet from the flag pole access shall be maintained;**

COMMENT:

The attached Preliminary Site Plan indicates that a minimum 5-foot setback will be maintained between future dwellings and the proposed access easement.

- 6. The maximum length of any flag pole access shall be 150 feet, unless a turnaround has been approved by the Silverton fire marshal and such turnaround shall be included with the reciprocal access easement recorded on the final plat;**

COMMENT:

Since the shared driveway exceeds 150- ft. in length, a turnaround and access easement meeting Fire Code standards is typically required. However, since the existing width of Cherry Street and on-street parking prevents fire vehicles from turning into the site, the applicant is proposing to sprinkler the dwellings on Parcels 1-3.

- 7. Driveway widths and paved sections shall conform to the standards in Chapter 3.1 SDC;**

COMMENT:

The submitted Preliminary Site Plan proposes the development of an 18-ft. wide shared driveway within a 20-ft. wide access easement for Parcels 1-3. As required, this shared driveway meets Chapter 3.1 standards.

8. **The review body may require landscape or fence screening along property lines to promote compatibility with abutting uses;**

COMMENT:

The existing retaining wall between the subject site and the neighboring property to the southwest will be retained. An existing fence along the northeastern property line will also remain with the proposed development. Landscape or fence screening is not required for the proposed development.

9. **Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the flag pole or onto a public street. The review body may require special setback requirements at the time of approving the flag lot partition for this purpose.**

COMMENT:

The attached Preliminary Site Plan demonstrates that there is sufficient room for vehicles to turnaround so that they will not have to back down the flag pole when leaving the site.

Section 4.3.130: Preliminary plat submission requirements.

- B. **Preliminary Plat Information. In addition to the general information and number of required copies described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:**

COMMENT:

The attached Preliminary Development Plans indicate that all of the information required by this section has been included on the submitted sheets.

Section 4.3.140: Review Criteria – Preliminary Plat.

- A. **General Review Criteria. The city shall consider the following review criteria and may approve, approve with conditions, or deny a preliminary plat based on the following; the applicant shall bear the burden of proof.**
 1. **The proposed preliminary plat complies with the applicable development code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article, and the applicable chapters and sections of Article 2, Land Use (Zoning)**

Districts, and Article 3, Community Design Standards shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;

COMMENT:

The applicant's narrative addresses how the proposed Preliminary Plat complies with all applicable Development Code sections.

2. **The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions already approved for adjoining property or to provide for logical extension to future properties as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;**

COMMENT:

The attached Preliminary Site Plan and Preliminary Utility Plan indicate that the proposed improvements, utilities, and stormwater facilities have been laid out to conform to City standards. As required, the facilities transition to adjoining public improvements.

3. **If any part of the site is located within an overlay zone, or previously approved planned development, it shall conform to the applicable regulations and/or conditions;**

COMMENT:

The subject site is not located within an overlay zone, therefore the above standard does not apply.

4. **Evidence that any required state and federal permits have been obtained, or shall be obtained before approval of the final plat;**

COMMENT:

The subject site does not contain jurisdictional wetlands and fronts roadways under City jurisdiction. Therefore, the applicant does not anticipate a requirement to obtain state or federal permits.

5. **Evidence that improvements or conditions required by the city, road authority, county, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and**

COMMENT:

As required, the applicant will fulfill all conditions of approval associated with this application.

6. **If applicable, all proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat, and appropriate covenants, conditions and restrictions (CC&Rs) are provided.**

COMMENT:

The applicant is not proposing private common areas, therefore this standard does not apply.

- B. **Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:**
 1. **All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 2), and the standards of SDC 3.4.100(G), Subdivision Street Connectivity.**

COMMENT:

The attached Preliminary Plat and Preliminary Site Plan illustrate that the proposed Minor Partition conforms to all lot area, setback, and dimensional requirements of the R-5 District.

2. **Setbacks shall be as required by the applicable land use district (Article 2).**

COMMENT:

The attached Preliminary Site Plan demonstrates that the proposed development will meet all setback standards of the R-5 District.

3. **Each lot shall conform to the standards of Chapter 3.1 SDC, Access and Circulation.**

COMMENT:

This applicant's narrative has addressed how the proposed lots meet required access and circulation standards of Chapter 3.1.

4. **Landscaping or other screening may be required to maintain privacy for abutting uses. See Article 2, Land Use (Zoning) Districts, and Chapter 3.2 SDC, Landscaping, Street Trees, Fences and Walls.**

COMMENT:

To the north is an R-5 zoned parcel that has been developed with two single-family detached residential units with access from Welch Street. Several R-5 residential lots are situated to the northeast and are developed with single-family detached dwellings with access at Welch Street. To the south of the site and across Cherry Street, are several R-1 zoned parcels which are developed with single-family detached dwellings. To the southwest is another R-5 zoned property developed with a multi-family use. To promote compatibility with adjacent developments, an existing raised concrete wall and fence will be retained along the southwest and northeast boundaries of the site.

5. **In conformance with the International Fire Code, a 12-foot-wide paved fire apparatus access drive within a 20-foot fire apparatus lane shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or other approved access drive. See also Chapter 3.1 SDC, Access and Circulation.**

COMMENT:

Since the shared driveway exceeds 150- ft. in length, a turnaround and access easement meeting Fire Code standards is typically required. However, since the existing width of Cherry Street and on-street parking prevents fire vehicles from turning into the site, the applicant is proposing to sprinkler the dwellings on Parcels 1-3.

6. **Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.**

COMMENT:

A common driveway is proposed with this Minor Partition. As required, a reciprocal easement will be recorded with the Final Plat.

7. **All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.**

COMMENT:

At this time, the applicant is requesting land use approval for the proposed land division. When building permits are requested, detailed construction plans will be submitted to demonstrate compliance with applicable engineering standards.

- C. **Open Space and Park Dedication. Requirements for open space and/or park dedication, as provided in SDC 3.4.200, Public use areas, and SDC 4.3.110(J), Floodplain, Park, and**

Open Space Dedication, are met.

COMMENT:

Due to the small site area and scale of the development, the applicant is proposing to pay a fee in lieu of dedicating park land with the proposed partition. The applicant has addressed Section 4.3.110(J) in the narrative provided above.

- D. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 SDC, Public Facilities.**

COMMENT:

As required, the applicant will fulfill all conditions of approval associated with this application.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the Silverton Development Code. Therefore, the applicant requests that this Minor Partition application be approved.

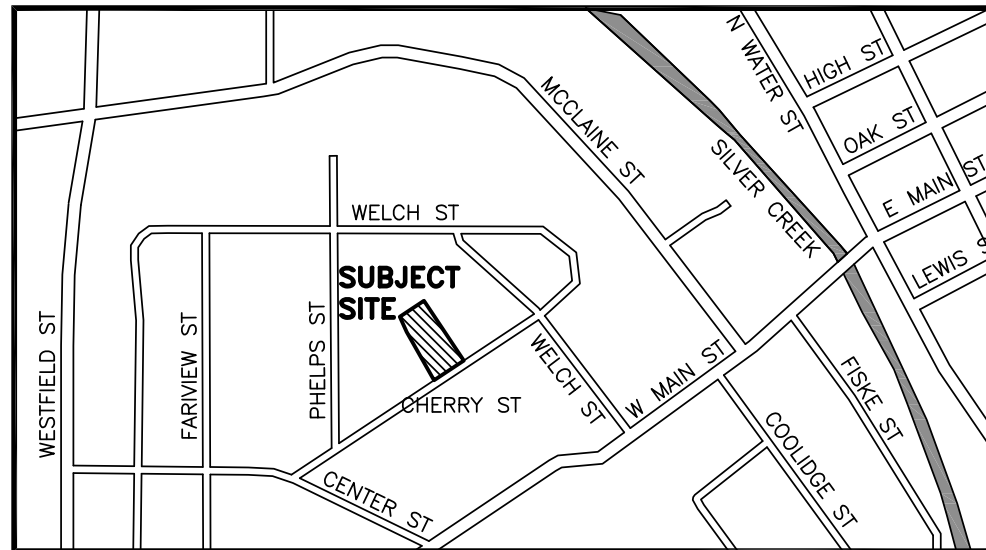
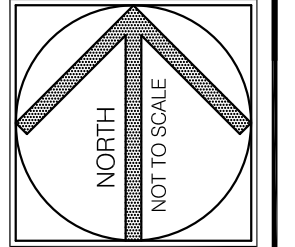
PRELIMINARY DEVELOPMENT PLANS

EXHIBIT 3

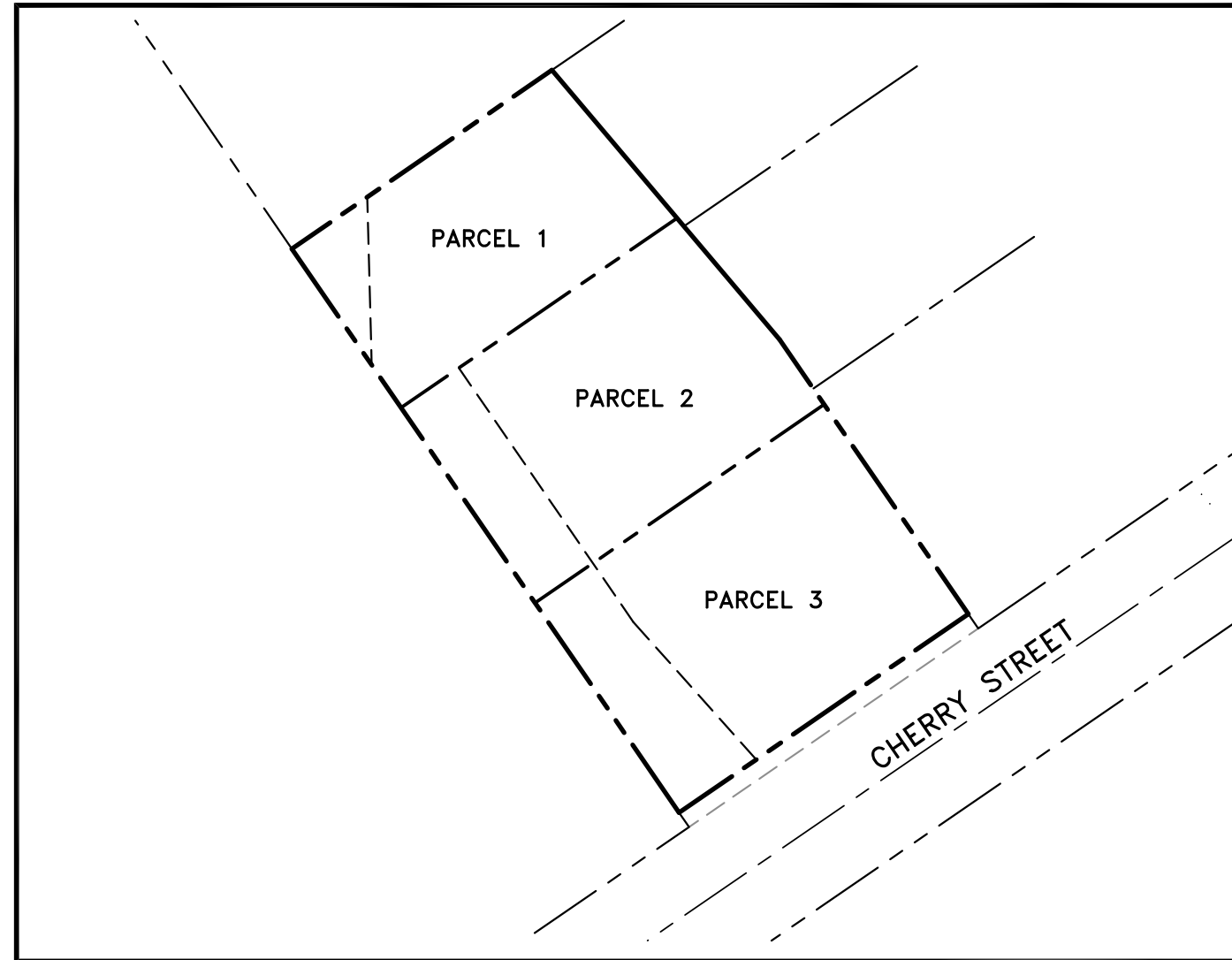
CHERRY STREET PARTITION

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

INDEX OF DRAWINGS

- P-1 COVER SHEET
- P-2 EXISTING CONDITIONS
- P-3 PRELIMINARY PLAT
- P-4 PRELIMINARY SITE PLAN
- P-5 PRELIMINARY UTILITY PLAN

APPLICANT / PROPERTY OWNER

LYNN RICHMAN
 PO BOX 105
 SILVERTON, OR 97381
 503-932-2080
 CONTACT: LYNN RICHMAN

APPLICANT'S REPRESENTATIVE

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

LAND SURVEYOR

BARKER SURVEYING
 3657 KASHMIR WAY SE
 SALEM, OR 97317
 503-588-8800
 CONTACT: GREG WILSON, PLS

CITY OF SILVERTON LAND USE APPLICATION
CHERRY STREET PARTITION
 TAX LOT 5800 OF TAX MAP 61W34D
 MARION COUNTY, OREGON
 216 CHERRY STREET
 SILVERTON, OR 97381

COVER SHEET

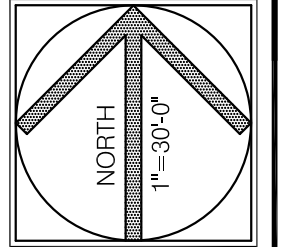
JUNE 1, 2023

REVISIONS



P-1

SHEET 1 OF 5



CITY OF SILVERTON LAND USE APPLICATION
CHERRY STREET PARTITION
 TAX LOT 3800 OF TAX MAP 61W34D
 MARION COUNTY, OREGON
 216 CHERRY STREET
 SILVERTON, OR 97381

EXISTING CONDITIONS
 JUNE 1, 2023
 REVISIONS

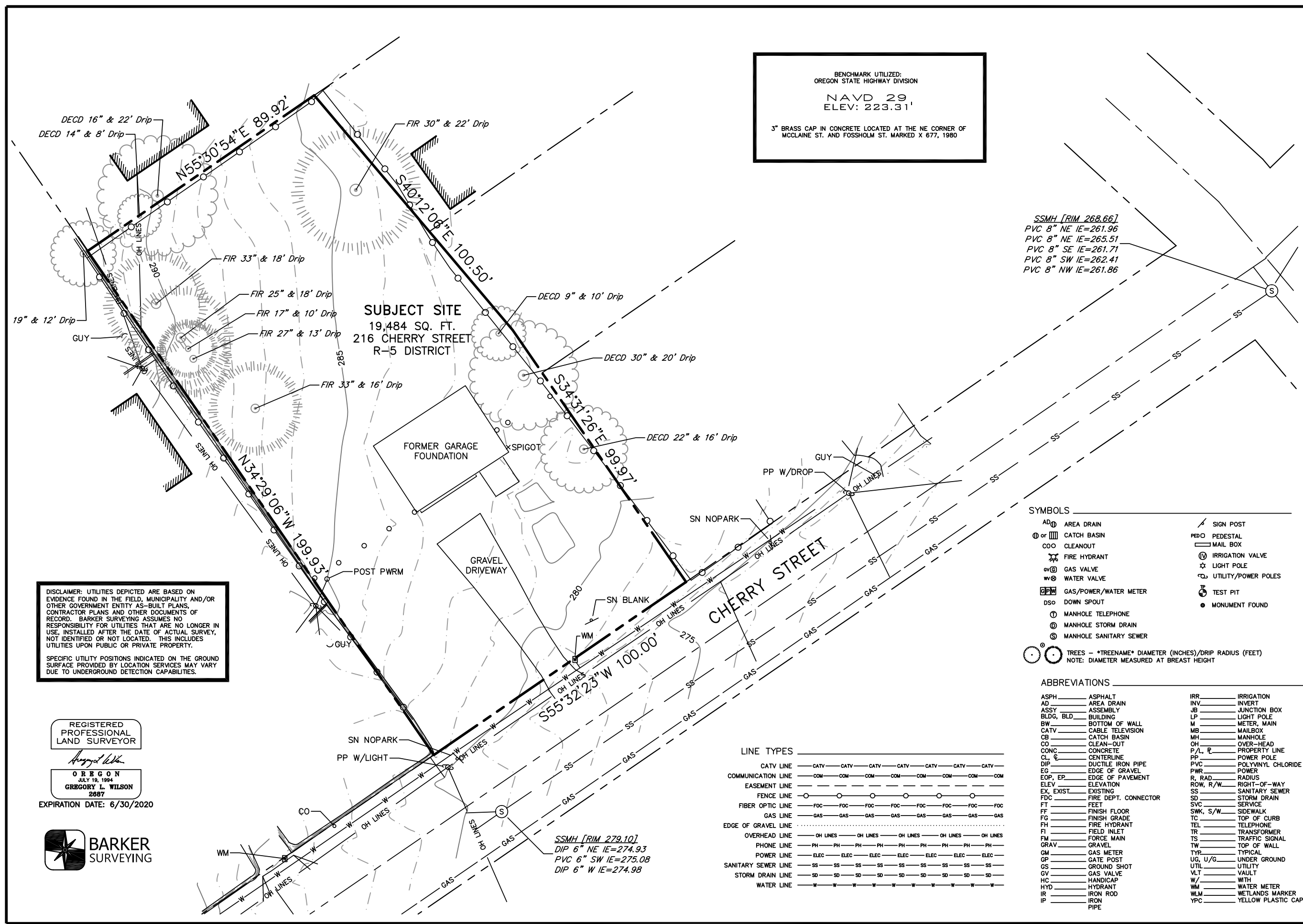
P-2
 SHEET 2 OF 5

BENCHMARK UTILIZED:
 OREGON STATE HIGHWAY DIVISION
 NAVD 29
 ELEV: 223.31'
 3" BRASS CAP IN CONCRETE LOCATED AT THE NE CORNER OF
 MCCLAIN ST. AND FOSSHOLM ST. MARKED X 677, 1980

SSMH [RIM 268.66]
 PVC 8" NE IE=261.96
 PVC 8" NE IE=265.51
 PVC 8" SE IE=261.71
 PVC 8" SW IE=262.41
 PVC 8" NW IE=261.86

DISCLAIMER: UTILITIES DEPICTED ARE BASED ON EVIDENCE FOUND IN THE FIELD, MUNICIPALITY AND/OR OTHER GOVERNMENT ENTITY AS-BUILT PLANS, CONTRACTOR PLANS AND OTHER DOCUMENTS OF RECORD. BARKER SURVEYING ASSUMES NO RESPONSIBILITY FOR UTILITIES THAT ARE NO LONGER IN USE, INSTALLED AFTER THE DATE OF ACTUAL SURVEY, NOT IDENTIFIED OR NOT LOCATED. THIS INCLUDES UTILITIES UPON PUBLIC OR PRIVATE PROPERTY.
 SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND SURFACE PROVIDED BY LOCATION SERVICES MAY VARY DUE TO UNDERGROUND DETECTION CAPABILITIES.

REGISTERED PROFESSIONAL LAND SURVEYOR
Gregory L. Wilson
 OREGON
 JULY 19, 1994
 GREGORY L. WILSON
 2687
 EXPIRATION DATE: 6/30/2020

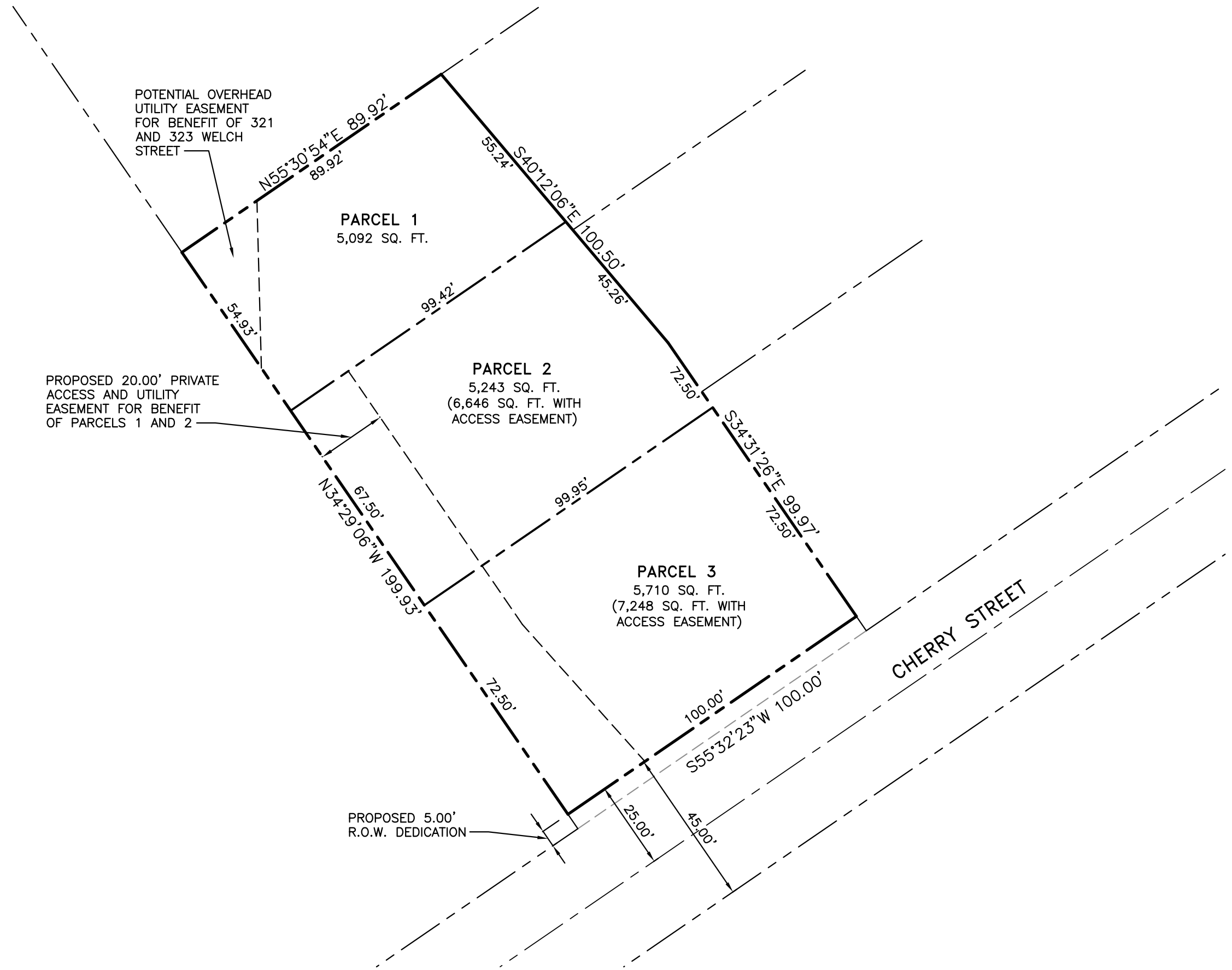
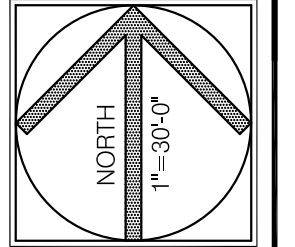


- SYMBOLS**
- | | | | |
|--------|------------------------|----|---------------------|
| AD | AREA DRAIN | ○ | SIGN POST |
| ○ or ▭ | CATCH BASIN | PE | PEDESTAL |
| CO | CLEANOUT | MB | MAIL BOX |
| ⊗ | FIRE HYDRANT | ⊕ | IRRIGATION VALVE |
| ⊕ | GAS VALVE | ☆ | LIGHT POLE |
| ⊕ | WATER VALVE | ⊕ | UTILITY/POWER POLES |
| ⊕ | GAS/POWER/WATER METER | ⊕ | TEST PIT |
| DS | DOWN SPOUT | ● | MONUMENT FOUND |
| ⊕ | MANHOLE TELEPHONE | | |
| ⊕ | MANHOLE STORM DRAIN | | |
| ⊕ | MANHOLE SANITARY SEWER | | |
- TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)
 NOTE: DIAMETER MEASURED AT BREAST HEIGHT

- LINE TYPES**
- | | |
|---------------------|--|
| CATV LINE | — CATV — CATV — CATV — CATV — CATV — CATV — CATV — |
| COMMUNICATION LINE | — COM — COM — COM — COM — COM — COM — COM — |
| EASEMENT LINE | — ELEC — ELEC — ELEC — ELEC — ELEC — ELEC — ELEC — |
| FENCE LINE | — GAS — GAS — GAS — GAS — GAS — GAS — GAS — |
| FIBER OPTIC LINE | — FOC — FOC — FOC — FOC — FOC — FOC — FOC — |
| GAS LINE | — GAS — GAS — GAS — GAS — GAS — GAS — GAS — |
| EDGE OF GRAVEL LINE | — OH LINES — OH LINES — OH LINES — OH LINES — OH LINES — |
| OVERHEAD LINE | — PH — PH — PH — PH — PH — PH — PH — |
| PHONE LINE | — ELEC — ELEC — ELEC — ELEC — ELEC — ELEC — ELEC — |
| POWER LINE | — SS — SS — SS — SS — SS — SS — SS — |
| SANITARY SEWER LINE | — SD — SD — SD — SD — SD — SD — SD — |
| STORM DRAIN LINE | — W — W — W — W — W — W — W — |
| WATER LINE | — W — W — W — W — W — W — W — |

- ABBREVIATIONS**
- | | | | |
|-----------|----------------------|----------|--------------------|
| ASPH | ASPHALT | IRR | IRRIGATION |
| AD | AREA DRAIN | INV | INVERT |
| ASSY | ASSEMBLY | JB | JUNCTION BOX |
| BLDG, BLD | BUILDING | LP | LIGHT POLE |
| BW | BOTTOM OF WALL | M | METER, MAIN |
| CATV | CABLE TELEVISION | MB | MAILBOX |
| CB | CATCH BASIN | MH | MANHOLE |
| CO | CLEAN-OUT | OH | OVER-HEAD |
| CONC | CONCRETE | P/L | PROPERTY LINE |
| CL | CENTERLINE | PP | POWER POLE |
| DIP | DUCTILE IRON PIPE | PVC | POLYVINYL CHLORIDE |
| EG | EDGE OF GRAVEL | PWR | POWER |
| EOP, EP | EDGE OF PAVEMENT | R, RAD | RADIUS |
| ELEV | ELEVATION | ROW, R/W | RIGHT-OF-WAY |
| EX, EXIST | EXISTING | SS | SANITARY SEWER |
| FDC | FIRE DEPT. CONNECTOR | SD | STORM DRAIN |
| FT | FEET | SVC | SERVICE |
| FF | FINISH FLOOR | SWK, S/W | SIDEWALK |
| FG | FINISH GRADE | TC | TOP OF CURB |
| FH | FIRE HYDRANT | TEL | TELEPHONE |
| FI | FIELD INLET | TR | TRANSFORMER |
| FM | FORCE MAIN | TS | TRAFFIC SIGNAL |
| GRAV | GRAVEL | TW | TOP OF WALL |
| GM | GAS METER | TYP | TYPICAL |
| GP | GATE POST | UG, U/G | UNDER GROUND |
| GS | GROUND SHOT | UTL | UTILITY |
| GV | GAS VALVE | VLT | VAULT |
| HC | HANDICAP | W | WITH |
| HYD | HYDRANT | WM | WATER METER |
| IR | IRON ROD | WLM | WETLANDS MARKER |
| IP | IRON PIPE | YPC | YELLOW PLASTIC CAP |

SSMH [RIM 279.10]
 DIP 6" NE IE=274.93
 PVC 6" SW IE=275.08
 DIP 6" W IE=274.98

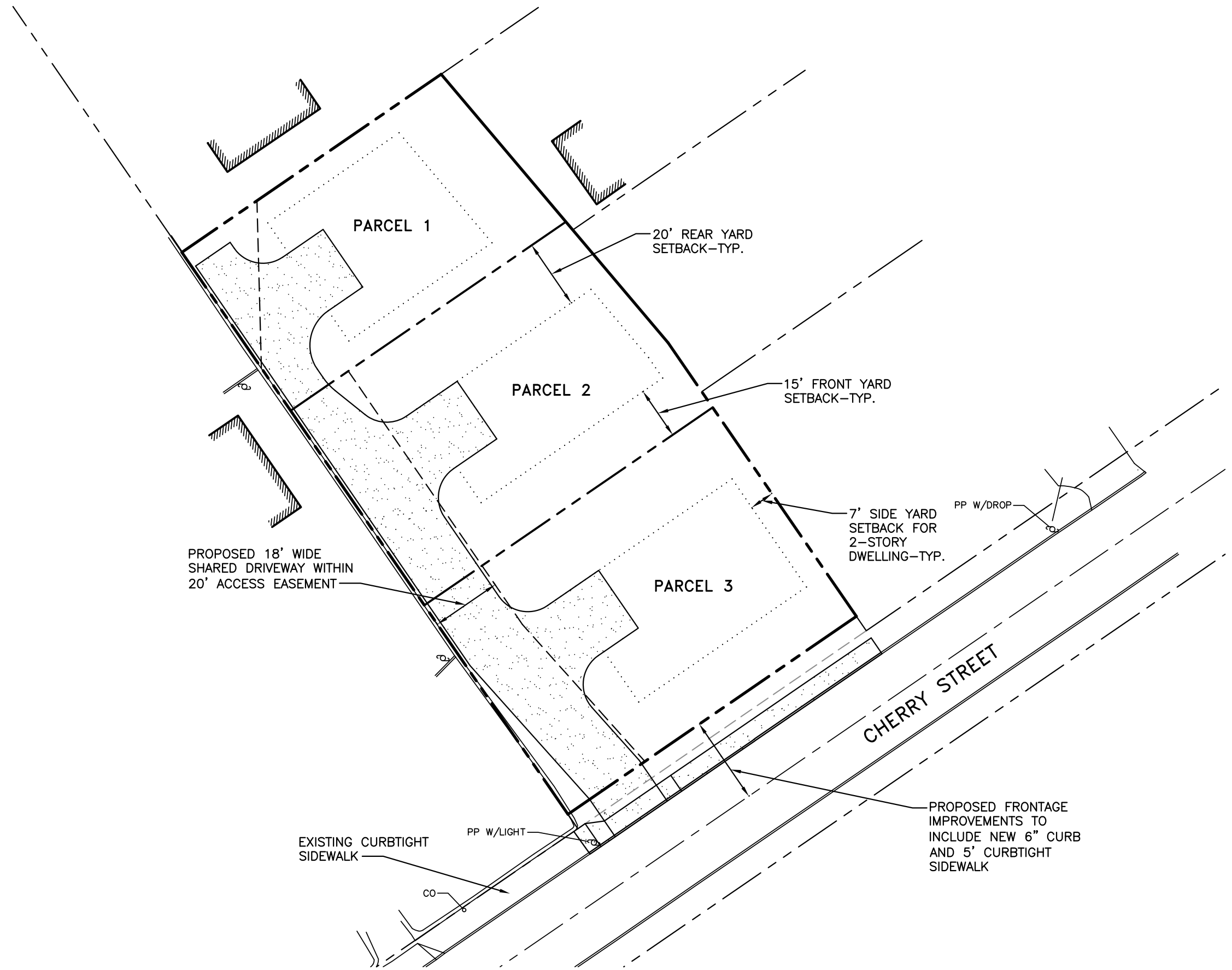
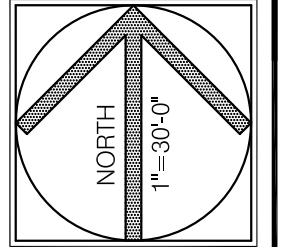


CITY OF SILVERTON LAND USE APPLICATION
CHERRY STREET PARTITION
 TAX LOT 5800 OF TAX MAP 61W34D
 MARION COUNTY, OREGON
 216 CHERRY STREET
 SILVERTON, OR 97381

PRELIMINARY
 PLAT
 JUNE 1, 2023

REVISIONS
 △
 △
 △

P-3
 SHEET 3 OF 5

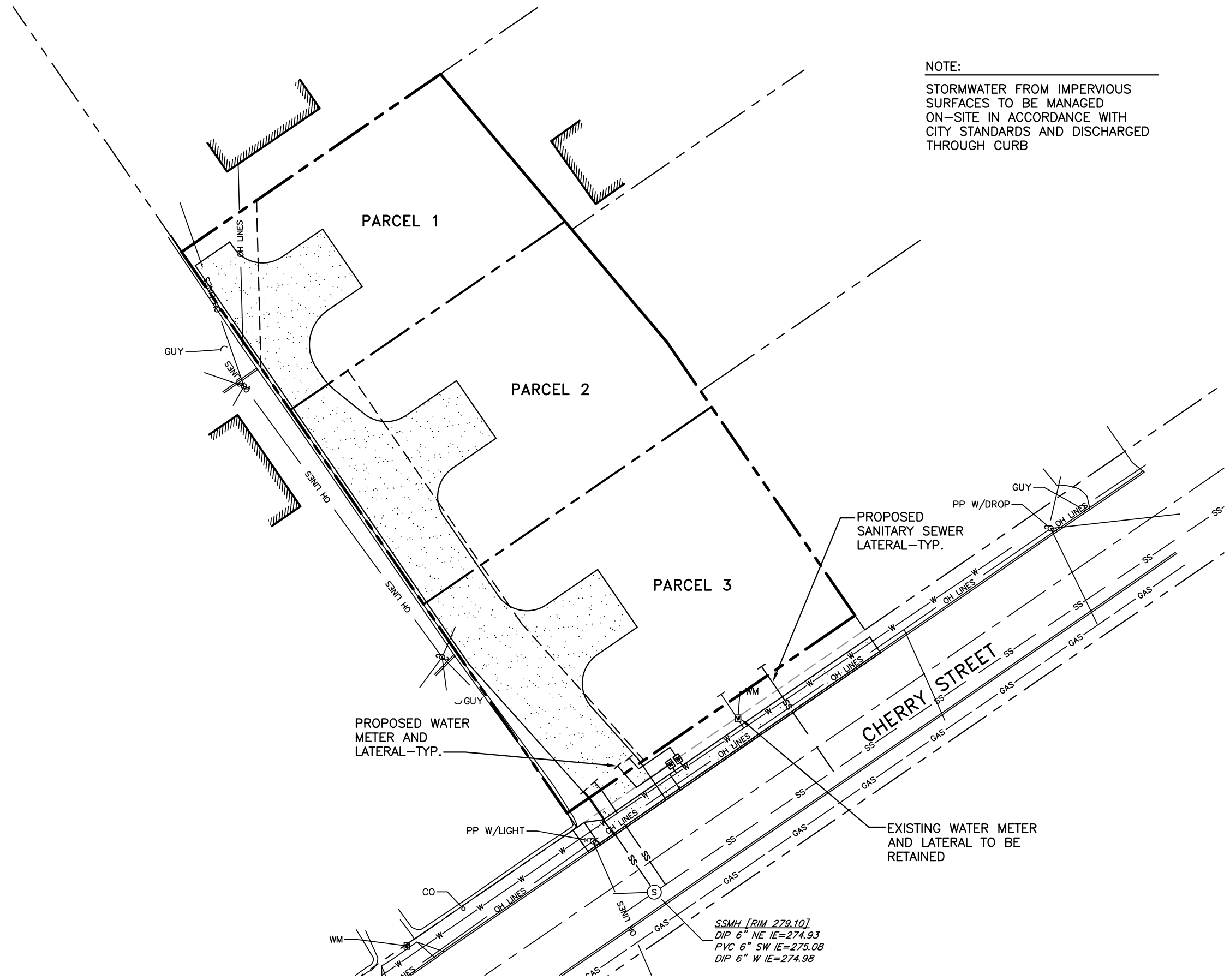
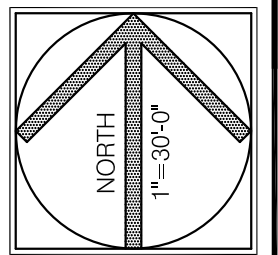


CITY OF SILVERTON LAND USE APPLICATION
CHERRY STREET PARTITION
 TAX LOT 5800 OF TAX MAP 61W34D
 MARION COUNTY, OREGON
 216 CHERRY STREET
 SILVERTON, OR 97381

PRELIMINARY
 SITE PLAN
 JUNE 1, 2023

REVISIONS
 ▲
 ▲
 ▲

P-4
 SHEET 4 OF 5



CITY OF SILVERTON LAND USE APPLICATION
CHERRY STREET PARTITION
 TAX LOT 5800 OF TAX MAP 61W34D
 MARION COUNTY, OREGON
 216 CHERRY STREET
 SILVERTON, OR 97381

PRELIMINARY
 UTILITY PLAN
 JUNE 1, 2023

REVISIONS
 ▲
 ▲
 ▲

P-5
 SHEET 5 OF 5

ATTACHMENT E: CONDITIONS OF APPROVAL

1. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and the PWDS into account.
2. All applicable building permits shall be obtained prior to any work that requires a building permit.
3. Public improvement permits, including any required fee and performance guarantee, shall be obtained prior to or concurrently with building permits. Occupancy will not be allowed until the public improvements are installed and accepted by the City.
4. Access to a public street (e.g., a new curb cut or driveway approach) requires an access permit. Approval of an access permit shall follow the procedures and requirements of Silverton Public Works and consistent with SDC 3.1.200.
5. Concurrent with final plat recordation, a joint agreement, consistent with the following provisions must be recorded; Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive; Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
6. If any trees within the setbacks are proposed to be removed during the reasonable development of land use then an application would need to be submitted and approved before removal.
7. Front yard landscaping meeting development code standards shall be provided for the new dwellings on the parcels within 6 months of occupancy.
8. Street trees shall be spaced so that there is at least one tree planted for every 35 feet of street frontage, except where existing utilities, vision clearance requirements or similar factors preclude such spacing.
9. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for one year after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting, after which the adjacent property owners shall maintain the trees.
10. Two off-street parking spaces will be required for the new dwellings and shall be an attached or detached garage or carport.
11. A Petition for Improvement Waiver of Remonstrance for roadway widening improvements (2 additional feet of paving) for Cherry Street shall be recorded for the new parcels prior to the signing of the final plat.
12. Prior to the signing of the final plat, certification by the city or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the partitioner to the city that such services will be installed in accordance with Chapter 3.4 SDC, Public Facilities, and the bond requirements of SDC 4.3.180. The amount of the bond, contract or other

assurance by the partitioner shall be determined by a registered professional engineer, subject to review and approval by the city.

13. The developer is required to meet with the Public Works Director/City Engineer after land use approval and prior to preparing final design drawings of the proposed sewer and water connections and must show both facilities are capable of serving the proposed dwellings considering the length of the utility lines and the elevation difference between the building sites and the mainlines. All connections shall be constructed in accordance with City Public Works Design Standards.
14. Any new development will have to pay all applicable SDC fees during the building permit process.
15. Sanitary sewer laterals shall be connected to the sewer main only. Connections to manholes or other structures are not allowed.
16. The water meters and boxes for Parcels 1 and 2 should be moved to the driveway flag area to minimize bends in pipe. The sewer cleanouts and water meter boxes must be located such that they meet the 10' minimum horizontal clearance.
17. Development shall meet all applicable fire code regulations
18. A storm drainage and erosion control plan meeting Public Works Design Standards will be required prior to issuance of a development permit. Any new development will be required to meet City standards for storm drainage.
19. In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from stormwater SDC charges.
20. The project shall provide American with Disabilities Act (ADA) compliant sidewalks extending to the ends of the property frontage and will be constructed as per current City of Silverton Construction Standards the standard is met
21. All utilities to the project shall be underground services. No overhead crossings of public right of way shall be approved by the city.
22. At the time of public utility plan submittal, the applicant shall provide a copy to the City of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to final public utility plan approval, the applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction.
23. The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within the easement areas.
24. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. Staff reserves the right to

require revisions/modifications to the public improvement construction plans. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements.

25. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of Chapter 3.4, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.
26. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity.
27. The applicant shall dedicate a 10' wide public utility easement along all street right-of-ways.
28. Open space and/or park dedication is required for new development that results in the creation of new residential dwelling units. Any new development on Parcels 1, 2, & 3 will have to pay all applicable park SDC fees to meet this requirement during the building permit process.
29. The access easement shall be included in the area of Parcel 1
30. The City will review the final plat as a Type I procedure and will not grant approval unless all required conditions are met. The final plat shall be submitted within three years of the approval of the preliminary plat.
31. A performance guarantee in accordance with section 4.3.180 will be required prior to issuance of any Public Works permits.
- 32. The applicant removed a Douglas Fir with a 22' dripline and a deciduous tree with a 16' dripline without approval. The applicant shall be required to replace these 2 trees with 5 new trees in addition to landscape requirements.**

ATTACHMENT F: STAFF REPORT, PA-23-01

I. REVIEW CRITERIA

A. General Review Criteria. The city shall consider the following review criteria and may approve, approve with conditions, or deny a preliminary plat based on the following; the applicant shall bear the burden of proof.

1. The proposed preliminary plat complies with the applicable development code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article, and the applicable chapters and sections of Article 2, Land Use (Zoning) Districts, and Article 3, Community Design Standards shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;
2. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions already approved for adjoining property or to provide for logical extension to future properties as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
3. If any part of the site is located within an overlay zone, or previously approved planned development, it shall conform to the applicable regulations and/or conditions;
4. Evidence that any required state and federal permits have been obtained, or shall be obtained before approval of the final plat;
5. Evidence that improvements or conditions required by the city, road authority, county, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
6. If applicable, all proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat, and appropriate covenants, conditions and restrictions (CC&Rs) are provided.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 2), and the standards of SDC 3.4.100(G), Subdivision Street Connectivity.
2. Setbacks shall be as required by the applicable land use district (Article 2).
3. Each lot shall conform to the standards of Chapter 3.1 SDC, Access and Circulation.
4. Landscaping or other screening may be required to maintain privacy for abutting uses. See Article 2, Land Use (Zoning) Districts, and Chapter 3.2 SDC, Landscaping, Street Trees, Fences and Walls.
5. In conformance with the International Fire Code, a 12-foot-wide paved fire apparatus access drive within a 20-foot fire apparatus lane shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or other approved access drive. See also Chapter 3.1 SDC, Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

C. Open Space and Park Dedication. Requirements for open space and/or park dedication, as provided in SDC 3.4.200, Public use areas, and SDC 4.3.110(J), Floodplain, Park, and Open Space Dedication, are met.

D. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 SDC, Public Facilities.

II. APPLICABLE STANDARDS

A. Silverton Development Code (SDC):

Article 4 – Administration of Land Use Development

Section 4.1.300 Type II Procedure (Limited Land Use Decision)

Section 4.3.140 Review Criteria: Preliminary Plat

Section 4.3.170 Public Improvements Required

Section 4.3.180 Performance Guarantee

Article 2 – Land Use Districts

Section 2.2.110 Residential Districts – Allowed Land Uses

Section 2.2.120 Residential Districts – Development Standards

Section 2.2.130 Residential Districts – Setback Yards and Build-To Line

Section 2.2.160 Residential Districts – Lot Coverage

Article 3 – Community Design Standards

Section 3.1.200 Vehicle Access and Circulation

Section 3.2.200 Landscape Conservation

Section 3.2.300 Landscaping

Section 3.2.400 Street Trees

Section 3.3.300 Automobile Parking Standards

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

Section 3.4.600 Utilities

Section 3.4.700 Construction Plan Approval and Assurances

Section 3.4.800 Installation

Section 3.4.900 Easements

III. FINDINGS

A. Background Information:

1. Minor Partition application request to divide 216 Cherry Street, a 0.45 acre parcel identified as Marion County Assessor Map and Taxlot 061W34DA 05800, into three parcels with parcel 1 containing 5,092 square feet, parcel 2 containing 6,646 square feet, and parcel 3 containing 7,248 square feet. The parcels will be accessed via a 20' shared access and utility easement off Cherry Street.
2. The subject property has frontage along Cherry Street. The site is zoned R-5, Low Density Residential.

B. Silverton Development Code:

1. Article 4 – Administration of Land Use Development

Section 4.1.300

Type II Decision Requirements

The Community Development Director or designee shall make a Type II written decision addressing all of the relevant review criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Community Development Director or designee shall approve, approve with conditions, or deny the requested permit or action.

Findings: This application is being review as a Type II procedure. A public notice for this request was mailed to all property owners within 500 feet of the site on September 29, 2023.

Section 4.3.140

Review Criteria: Preliminary Plat

- A. General Review Criteria.** The City shall consider the following review criteria and may approve, approve with conditions or deny a preliminary plat based on the following:
1. *The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;*

Findings: This review is being undertaken to ensure the proposed preliminary plat complies with the applicable Silverton Development Code (SDC) sections and all other applicable ordinances and regulations. The applicable SDC sections are listed above and are all addressed in the staff report. The proposal has either been found to be compliant with the applicable criteria and standards or conditions have been placed on the proposal to achieve compliance. The proposal meets Criterion 1 based on the affirmative findings found in the staff report that address all applicable SDC sections.

Article 2 – Land Use Districts

Section 2.2.110 Residential Districts – Allowed Land Uses

Findings: The proposal is to partition the property into three parcels. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and the Public Works Design Standards (PWDS) into account (**Condition 1**). All applicable building permits shall be obtained prior to any work that requires a building permit (**Condition 2**). Public improvement permits, including any required fee and performance guarantee, shall be obtained prior to or concurrently with building permits. Occupancy will not be allowed until the public improvements are installed and accepted by the City. (**Condition 3**). The standard is met.

Section 2.2.120 Residential Districts – Development Standards

Findings: The site is proposed to be partitioned into three parcels with parcel 1 containing 5,092 square feet, parcel 2 containing 6,646 square feet, and parcel 3 containing 7,248 square feet. The parcels will be accessed via a 20’ shared access and utility easement. The minimum lot size in the R-5 zone is 5,000 square feet. The minimum lot width in the R-5 Zone is 50 feet and the minimum lot depth in the R-5 Zone is 60 feet. The submitted site plan shows compliance with lot dimensional standards. The applicant submitted a development plan that indicates each parcel will contain an adequate building envelope given the setbacks in the R-5 zone. The standards are met.

Section 2.2.130 Residential Districts –Setbacks Yards

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation.

Findings: The applicant submitted a development plan that indicates each parcel will contain an adequate building envelope given the setbacks in the R-5 zone, thereby meeting the standard.

Section 2.2.160 Residential Districts – Lot Coverage

The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage by buildings is calculated as the percentage of a lot or parcel covered by buildings and structures exceeding thirty (30) inches above grade, including enclosed and unenclosed structures (as defined by the foundation plane)

Findings: Any new development will be required to meet lot coverage standards. The development plan submitted indicates meeting lot coverage standards is feasible.

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 Cherry Street, a local street under Silverton jurisdiction. The applicant is proposing a new shared driveway access to Cherry Street to serve the three parcels. Access to a public street (e.g., a new curb cut or driveway approach) requires an access permit. Approval of an access permit shall follow the procedures and requirements of Silverton Public Works and consistent with SDC 3.1.200 (**Condition 4**).

Concurrent with final plat recordation, a joint agreement, consistent with the following provisions must be recorded; Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive; Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners (**Condition 5**). As conditioned, the standard is met.

Section 3.2.200 Landscape Conservation

Findings: Significant vegetation (including vegetation on private property) shall be retained to the extent practicable to protect environmental values and to minimize the risk of erosion, landslide, and stormwater runoff. 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. Significant vegetation means street trees and plants that have a caliper of six inches or larger at four feet above grade. If any trees within the setbacks are proposed to be removed during the reasonable development of land use then an application would need to be submitted and approved before removal. (**Condition 6**).

Section 3.2.300 Landscaping

Residential, Single-Family. All front yards (exclusive of access ways and other permitted intrusions) are required to be landscaped with one tree at least six feet in height (two-inch minimum caliper) and two five-gallon shrubs or accent plants per 1,000 square feet of required yard area with the remaining area to be treated with an attractive ground cover

Findings: Front yard landscaping meeting development code standards shall be provided for the new dwellings on the parcels within 6 months of occupancy (**Condition 7**).

Section 3.2.400 Street Trees

Street trees shall be planted in all new subdivisions and any project classified as a major project.

Findings: Planting of street trees shall generally follow construction of curbs and sidewalks; however, the city may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The minimum diameter or caliper size at planting, as measured four feet above grade, is two inches. Street trees shall be spaced so that there is at least one tree planted for every 35 feet of street frontage, except where existing utilities, vision clearance requirements or similar factors preclude such spacing (**Condition 8**). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for one year after planting. The developer shall also be responsible for tree care (pruning,

watering, fertilization, and replacement as necessary) during the first two years after planting, after which the adjacent property owners shall maintain the trees (**Condition 9**). The city shall require the developer to provide a performance and maintenance bond or cash deposit in an amount determined by an estimate provided by the developer or by the community development director, to ensure the planting of the tree(s) and care during the first year after planting.

Section 3.3.300 Automobile Parking Standards

Single Family Dwelling, 2 spaces per dwelling unit provided on-street parking is available. If on-street parking is not available, then each unit must provide 3 spaces.

Findings: Two off-street parking spaces will be required for the new dwellings and shall be an attached or detached garage or carport (**Condition 10**). Testimony was received relating to parking concerns, the application is being conditioned to meet applicable parking regulations. As conditioned, the standard is met.

Section 3.4.100 Transportation Standards

A.1 All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street, except as specifically allowed through a Planned Development approval under Chapter 4.5 or as provided for flag lots under Chapter 4.3 Land Divisions

Findings: The site has frontage on Cherry Street, a local street under Silverton jurisdiction. The applicant is proposing to install a new curb and a 5-ft. curb tight sidewalk along the street frontage on Cherry Street. A Petition for Improvement Waiver of Remonstrance for roadway widening improvements (2 additional feet of paving) for Cherry Street shall be recorded for the new parcels prior to the signing of the final plat. (**Condition 11**). As conditioned, the standard is met.

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: Water and sewer improvements exist within the Cherry Street right-of-ways. Prior to the signing of the final plat, certification by the city or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the partitioner to the city that such services will be installed in accordance with Chapter 3.4 SDC, Public Facilities, and the bond requirements of SDC 4.3.180. The amount of the bond, contract or other assurance by the partitioner shall be determined by a registered professional engineer, subject to review and approval by the city (**Condition 12**).

The developer is required to meet with the Public Works Director/City Engineer after land use approval and prior to preparing final design drawings of the proposed sewer and water connections and must show both facilities are capable of serving the proposed dwellings considering the length of the utility lines and the elevation difference between the building sites and the mainlines. All connections shall be constructed in accordance with City Public Works Design Standards (**Condition 13**). It shall be the developer's responsibility to provide the Public Works Director with copies of topographic surveys and base maps showing existing utilities and proposed street & utility improvement limits and conceptual layouts prior to the pre-design conference.

Any new development will have to pay all applicable SDC fees during the building permit process (**Condition 14**). Water pressure at the highest section of the partition should be approximately 40 PSI at the first-floor level. Sanitary sewer laterals shall be connected to the sewer main only. Connections to manholes or other structures are not allowed (**Condition 15**). The water meters and boxes for Parcels 1 and 2 should be moved to the driveway flag area to minimize bends in pipe. The sewer cleanouts and water meter boxes must be located such that they meet the 10' minimum horizontal clearance (**Condition 16**).

Development shall meet all applicable fire code regulations (**Condition 17**).

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. Any new development will be required to meet City standards for storm drainage (**Condition 18**).

In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from stormwater SDC charges (**Condition 19**).

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: Sidewalks are proposed for the site's frontage of Cherry Street. The project shall provide American with Disabilities Act (ADA) compliant sidewalks extending to the ends of the property frontage and will be constructed as per current City of Silverton Construction Standards the standard is met (**Condition 20**).

Section 3.4.600 Utilities

All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and similar facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities

during construction, and high-capacity electric lines operating at 50,000 volts or above, subject to review and approval by the public works director.

Findings: All utilities to the project shall be underground services. No overhead crossings of public right of way shall be approved by the city (**Condition 21**). At the time of public utility plan submittal, the applicant shall provide a copy to the City of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to final public utility plan approval, the applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction (**Condition 22**). The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within the easement areas (**Condition 23**).

Section 3.4.700 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.

Findings: No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. Staff reserves the right to require revisions/modifications to the public improvement construction plans. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements (**Condition 24**).

All public utility/improvement plans submitted for review shall be based upon a 11"x 17" format and shall be prepared in accordance with the City of Silverton Public Work's Standards. Plans submitted for review shall meet the following general format:

- Public/private utility improvements that are not contained within any public street shall be provided with maintenance access acceptable to the City.
- The design of any public/private utility improvement shall be approved at the time of the issuance of a Construction Permit.
- All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Silverton requirements and any other applicable codes.
- All plans, specifications, calculations, etc. prepared in association with proposed public/private utility improvements shall be prepared by a Registered Professional Engineer of the State of Oregon.
- Existing/proposed right-of-way, easements and adjacent driveways shall be identified.

Section 3.4.800 Installation

Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

Findings: Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest **(Condition 25)**. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity **(Condition 26)**.

Section 3.4.900 Easements

The developer is responsible for making arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

Findings: The applicant shall dedicate a 10' wide public utility easement along all street right-of-ways **(Condition 27)**.

- 2. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions already approved for adjoining property or to provide for logical extension to future properties as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

Findings: No new streets are proposed as part of this partition. The standard met.

- 3. *If any part of the site is located within an, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.*

Findings: The subject property is not location within an Overlay Zone. The standard is not applicable.

- 4. *Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;*

Findings: No federal or State permits are required as part of this development. The standard is met.

- 5. *Evidence that improvements or conditions required by the City, road authority, County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

Findings: All improvements and conditions required by the City have been determined to be feasible. Any improvements have been conditioned to be constructed to City Standards.

6. *If applicable, all proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat and appropriate Covenants, Conditions and Restrictions (CC&Rs) are provided; and*

Findings: No common areas or improvements are proposed as part of this development.

B. *Layout and Design of Streets, Blocks and Lots.* *All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 2), and the standards of Section 3.4.100.G - Street Connectivity and Formation of Blocks.*

Findings: Section 3.4.100.G of the SDC is applicable only to subdivisions. Any development of the parcels will be required to meet all applicable setbacks. Considering the size of parcels it has been determined feasible that a single family home meeting all applicable setbacks can be constructed on the sites. Criterion 1 is met because the proposed parcels meet lot area and dimensional requirements for the R-5 zone.

2. *Setbacks shall be as required by the applicable land use district (Article 2).*

Findings: As noted above all setbacks are met and it has been determined feasible that a single family home meeting all applicable setbacks can be constructed on all parcels.

3. *Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.*

Findings: The intent of Chapter 3.1 is to manage vehicular access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system. This standard was addressed earlier in the report.

As this is a single-family detached development, the pedestrian access and circulation standards are not applicable. Based on the above listed findings the proposal conforms to the applicable standards of Chapter 3.1 therefore meeting Criterion 3.

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Districts, and Chapter 3.2 - Landscaping.*

Findings: The development has been conditioned to meet landscaping standards.

5. *In conformance with the International Fire Code, a 12-foot wide paved fire apparatus access drive within a 20-foot fire apparatus lane shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or other approved access drive. See also, Chapter 3.1- Access and Circulation.*

Findings: Since the driveway exceeds 150' in length the applicant is proposing a sprinkling system on parcels 1-3 in place of a turnaround.

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

Findings: The common drive has been conditioned to ensure reciprocal access and joint maintenance responsibilities.

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

Findings: Any new development has been conditioned to install public utilities meeting City standards; this includes, but is not limited to, new water and sanitary sewer services.

- C. **Open Space and Park Dedication.** *Requirements for open space and/or park dedication, as provided in Section 3.4.200 (Public Use Areas) and Section 4.3.110.J (Flood Plain, Park, and Open Space Dedication), are met.*

Findings: Open space and/or park dedication is required for new development that results in the creation of new residential dwelling units. Any new development on parcels 1, 2, & 3 will have to pay all applicable park SDC fees to meet this requirement during the building permit process (**Condition 28**).

Section 4.3.115 Flag Lots

The review body may approve a flag lot in conjunction with a partition approval only where all lots in the partition meet all of the following criteria.

1. *The minimum lot area standards for the district must be met for all lots in the partition;*

Findings: Each lot meets minimum area standards.

2. *Not more than three parcels may receive vehicle access from the flag “pole” portion of the flag lot partition, provided one of the lots has adequate street frontage;*

Findings: Three lots will be taking access from the pole with one lot having standard street frontage.

3. *An irrevocable reciprocal access and maintenance easement, subject to review and approval of the community development director, shall be recorded on the plat;*

Findings: An access and maintenance easement has been conditioned.

4. *The flag pole access must have a minimum width of 20 feet, except the city engineer may require a minimum width of 25 feet where the pole provides access to two or more lots;*

Findings: The applicant is showing a 20’ access easement over parcels 2 and 3. This does not meet the definition of a “Flag Lot” where the 20’ pole portion is included in the parcel furthers from the Right-of-Way. The access easement shall be included in the area of Parcel 1 (**Condition 29**). Each lot continues to meet applicable standards with the revised layout.

5. *A minimum building setback of five feet from the flag pole access shall be maintained;*

Findings: The applicant is showing the minimum setback on the plans.

6. *The maximum length of any flag pole access shall be 150 feet, unless a turnaround has been approved by the Silverton fire marshal and such turnaround shall be included with the reciprocal access easement recorded on the final plat;*

Findings: The applicant is proposing to sprinkle the buildings in lieu of a turnaround.

7. *Driveway widths and paved sections shall conform to the standards in Chapter 3.1 SDC;*

Findings: The driveway is proposed to be 18' wide with 20' clearance.

8. *The review body may require landscape or fence screening along property lines to promote compatibility with abutting uses;*

Findings: The abutting land uses are compatible with the proposed land use.

9. *Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the flag pole or onto a public street. The review body may require special setback requirements at the time of approving the flag lot partition for this purpose.*

Findings: The site plan shows adequate area for turnaround.

Section 4.3.170 Public Improvements Required

Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.180. Temporary public facilities will not be allowed.

Findings: The City will review the final plat as a Type I procedure and will not grant approval unless all required conditions are met. The final plat shall be submitted within three years of the approval of the preliminary plat (**Condition 30**).

Section 4.3.180 Performance Guarantee

On all projects where public improvements are required, the City shall require the developer or subdivider to provide bonding or other performance guarantees acceptable to the Public Works Director to ensure completion of required public improvements. The bond or other assurance (e.g. letter of irrevocable credit) shall be equal to 110% of the of the total construction cost estimate for all public infrastructure to be provided, as approved by the Public Works Director, or designee. In addition, the construction cost estimate must either be an engineer's estimate, in writing, or a copy of the contractor's price agreement having sufficient detail for the Public Works Director, or designee, to verify reasonable unit pricing.

Findings: A performance guarantee in accordance with section 4.3.180 will be required prior to issuance of any Public Works permits (**Condition 31**).

III. SUMMARY AND CONCLUSION

The required findings have been made for all of the applicable Code sections. When implemented in accordance with the Conditions of Approval and the approved final plans, the project will be in compliance with the Silverton Development Code. Therefore, the request for a Preliminary Plat Approval for a three-parcel partition can be approved subject to the conditions of approval in Attachment 'C' of this report.

ATTACHMENT G: TESTIMONY

Oct 2, 2023

Jason Gottgelreu
306 South Water St
Silverton, Ore 97381
503-874-2207

Regarding the division of 216 Cherry St

There was a one family house on 216
Cherry St for many years. I object
to three houses on that parcel.

We already have people who park in
front of my house who live in the
224 parcel and other homes and it tends
to get a little crowded, especially with
delivery trucks. They block my driveway
constantly.

After these three houses are built and
sold there will be more cars parked on
Cherry St and no one will be able to do
anything about it.

Sincerely
Jenn R. Stetler
223 Cherry St
Silverton, Ore 97381
503-873-4976

Katharine Brundridge
217 Cherry Street
Silverton, Oregon 97381

City of Silverton
306 South Water Street
Silverton, Oregon 97381
503-874-5507
Jgottgetreu@Silverton.or.us

October 8, 2023

Dear Silverton City Council/Community Development Director,

My name is Katharine (Kate Brundridge) I'm a resident of 217 Cherry Street (**Directly** across from lot 216). I am writing to express my thoughts and share some ideas that I believe could impact the livability, charm of Cherry Street.

First and foremost, I would like to commend the city council and all the hardworking individuals who have contributed to making Silverton such a wonderful place to live. The scenic landscapes, close knit community and rich history make our city truly unique. However, as with any community, there is always room for improvement and innovation.

Some issues I would like to address as a homeowner for multiple family R5 low density residential with a shared driveway across from my home and driveway.

1. Increased density on a very small narrow street that has parking on only one side, there is already an issue with parking problems to begin with on the street. There already has been an impact of traffic and parking related to the Addition added on to Silverton Hospital.
2. I'm concerned with difficulties accessing my property and the increased use of my driveway from the shared driveway proposed for 216 that is close to my home that will potentially align with my driveway.

Please contact me by phone or email prior to October 13, 2023.

Sincerely,
Katharine Brundridge

503-502-1751

