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Webinar ID: 886 5311 5286

CITY OF SILVERTON – PLANNING COMMISSION REGULAR MEETING
City Hall, Council Chambers, 410 North Water Street
with a Teleconference option via Zoom with a telephone call in number.

October 8, 2024 - 7:00 PM

AGENDA

I. ROLL CALL

II. MINUTES

None.

III. BUSINESS FROM THE FLOOR

Items not on the Agenda.

IV. PUBLIC HEARINGS

- 4.1** File Number CP-24-02 & ZC-24-01. Comprehensive Plan amendment to change the designation of 301 S James St from Multi-Family Residential to Commercial with a concurrent Zone Change to zone the property General Commercial (GC). The application will be reviewed per SDC section 4.12.400 & 4.7.300.
- 4.2** File Number CP-24-03 & AN-24-01. Comprehensive Plan amendment to change the Comprehensive Plan Designation from single family residential to multi-family residential with a concurrent Annexation application to annex MC Assessor's Map 061W27DA Tax Lot 01200 into the City Limits and zone the property RM-10, Multi-Family Residential. The application will be reviewed per SDC section 4.12.400 & 4.10.140.
- 4.3** File Number CP-24-04 & ZC-24-02. Comprehensive Plan amendment to change the designation of 209 Mill Street from Single-Family Residential to Commercial with a concurrent Zone Change to zone the property Downtown Commercial Fringe (DCF). The application will be reviewed per SDC section 4.12.400 & 4.7.300.

V. REPORTS AND COMMUNICATIONS

VI. ADJOURNMENT

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

Please submit written comments to Jgottgetreu@silverton.or.us prior to 4:00 p.m. on October 8, 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 410 N Water Street or dropped off inside City Hall.



City of Silverton
Community Development
410 North Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: CP-24-02 & ZC-24-01

LAND USE DISTRICT:

R-5, LOW DENSITY RESIDENTIAL

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 061W34AD

LOT #: 04300

SITE SIZE: .23 ACRES

ADDRESS: 301 S. JAMES STREET

APPLICANT:

7 OAKS ENGINEERING, INC.

345 WESTFIELD STREET, #107

SILVERTON, OR 97381

CONTACT PERSON:

Steven & Kimberly Johnson

345 Westfield Street, #107

Silverton, OR 97381

OWNER:

301 LEONARDO, LLC

345 WESTFIELD STREET, #107

SILVERTON, OR 97381

LOCATION: LOCATED ON THE EAST SIDE OF S.JAMES STREET BETWEEN BROOK STREET AND C STREET.

PROPOSED DEVELOPMENT ACTION: COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE DESIGNATION OF 301 SOUTH JAMES STREET (MARION COUNTY ASSESSOR'S MAP 061W34AD04300) FROM MULTI-FAMILY RESIDENTIAL TO COMMERCIAL WITH A CONCURRENT ZONE CHANGE TO ZONE THE PROPERTY GENERAL COMMERCIAL (GC). THE PROPERTY HAS BEEN HISTORICALLY UTILIZED FOR COMMERCIAL PURPOSES AND OPERATED AS A NON-CONFORMING USE.

DATE: OCTOBER 1, 2024

Attachments

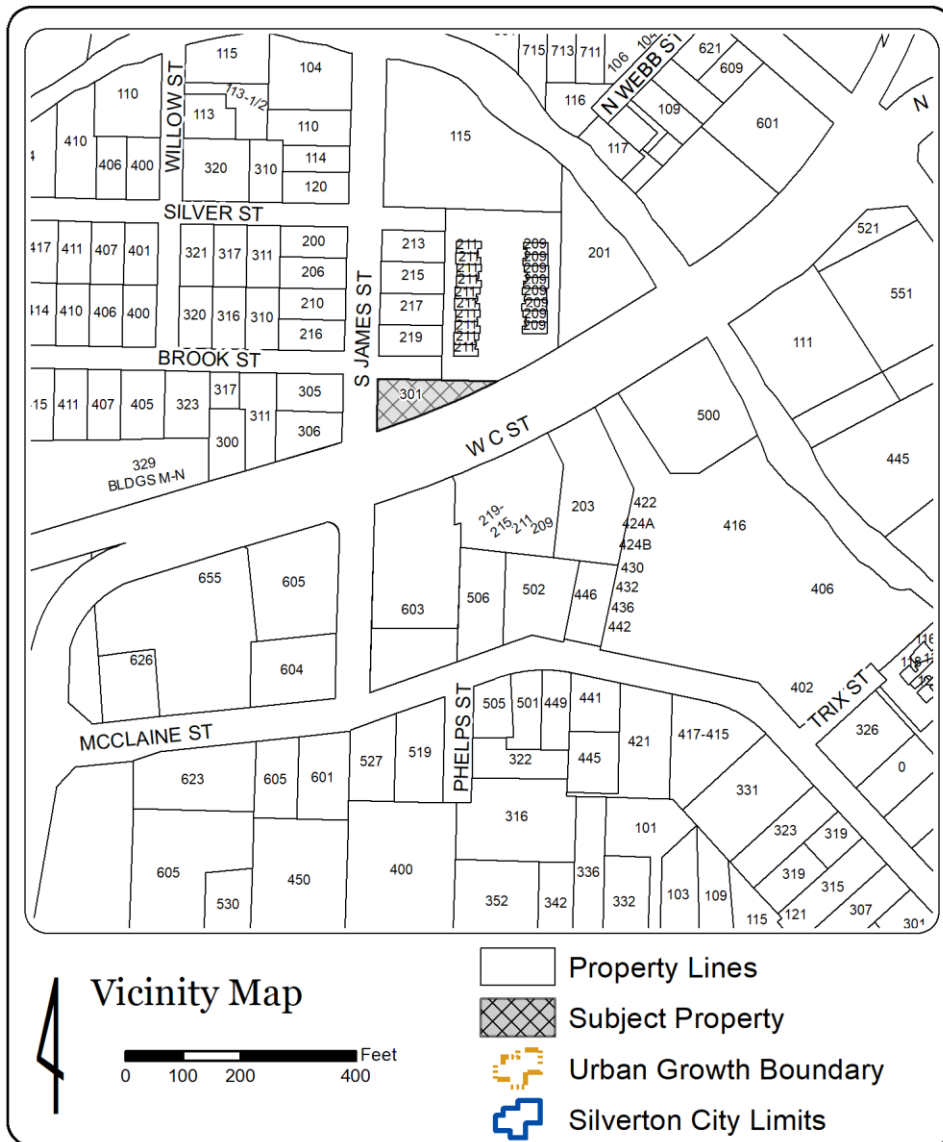
- A. Vicinity Map and Review Criteria
- B. Applicant's Narrative
- C. Staff Report
- D. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: CP-24-02 & ZC-24-01

Vicinity Map and Surrounding Land Use Districts

- North – R-1 (Single Family Residential), RM-10 (Multiple Family Residential-10)
- East – RR (Railroad) / GC (General Commercial)
- South – RR (Railroad) / GC (General Commercial)
- West – R-1 (Single Family Residential)



REVIEW CRITERIA: 4.12.400. Amendments to the Comprehensive Plan will be approved if the council finds that the applicant has shown that the following applicable criteria are met

The requested designation for a quasi-judicial map amendment meets all of the following tests:

1. The requested designation for the site has been evaluated against relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation.
2. The requested designation is consistent with any relevant area plans adopted by the city council.
3. The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.
4. An identified public need will be met by the proposed change that is not already met by other available property.
5. The requested designation is consistent with the statewide planning goals.

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

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

ATTACHMENT B: APPLICANT'S NARRATIVE

CITY OF SILVERTON

**APPLICATION FOR ZONE CHANGE
And
COMPREHENSIVE PLAN AMENDMENT**

301-303 S James. St

Location: 301-303 S James St.
SILVERTON OR.

Prepared by: 7 OAKS ENGINEERING, INC
345 Westfield St. #107
Silverton, OR. 97381

Prepared for: 301 LEONARDO, LLC
345 Westfield St. #107
Silverton, OR. 97381

Date: August 22, 2024

PROPERTY INFORMATION

Project Name: 70E – 301 S James St.

Request: Approval of Zoning Change and Comprehensive Plan Amendment

Property Location: 301-303 S. James St.
Silverton, OR. 97381

Property Owner: 301 LEONARDO, LLC
345 Westfield St. #107
Silverton, OR. 97381

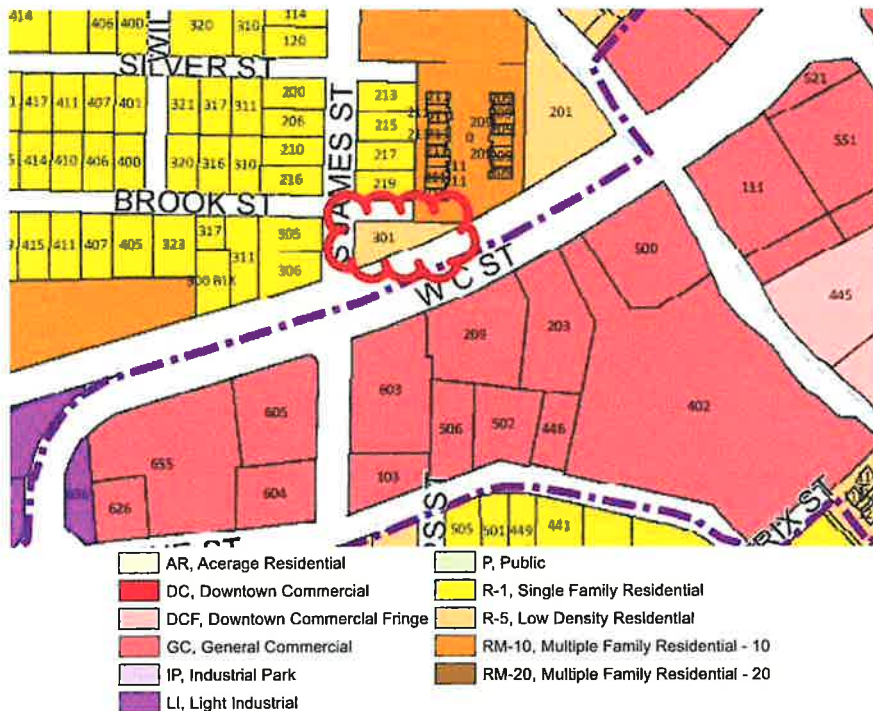
Property Size: 0.22 Acres

Current Zoning: R-5
Low Density Residential

Proposed Zoning: GC
General Commercial

OVERVIEW

7 Oaks Engineering is pleased to submit this application for the proposed zone change of the property located at 301-303 S James St. The property is located at the northeast corner of S James Street and W 'C' Street. Currently the property is zoned as R-5, Low Density Residential. Since the early 1900's the property has solely been used for commercial purposes and operated as a non-conforming use. It is our desire, and the purpose of this application, to have the property rezoned as GC, General Commercial to match the historical use of the property and meet the growing demands for office space in our City. We have purchased the property to be home of our civil engineering firm, 7 Oaks Engineering, and provide additional individual, leasable, office spaces to the community.



Current Zoning for 301 S James Street

PROPERTY HISTORY

301-303 S James Street has been utilized for commercial purposes for over 100 years and operated as a non-conforming use. Below is a brief history of property.

In 1924 Silverton Steam Laundry constructed a large one-story building on the east side of James Street next to the railroad tracks (per Silverton, Oregon Historic Context Statement, Prepared by Gail E.H. Evans, dated February 1996).

The current structure, built in 1946, was originally used for Cooley's Iris Gardens office and warehouse. From the building extending north to the creek was a pristine-looking wooded display gardens that existed into the 1960s and included nicely manicured lawns with an assortment of beautiful irises on display

during the late Spring. An intense windstorm on October 12, 1962 (known as the Columbus Day Storm) virtually destroyed the wooded portion of the gardens, and the remainder of the gardens were removed soon afterwards. However, the office and warehouse remained in operation into the 1980's.

After Cooley's Iris Gardens office and warehouse the property was utilized for Almquist Studios. The photography studio was a staple of the community from the 1980's until the mid-2010's and provided several services including the Silverton High School senior photos.

During this time a second address (303 S James Street) was added for the property and a rear suite was added. Currently New Creation Sign & Banner operates out of 303 S James Street.

From 2017-2024, 301 S James Street was occupied by Haynes Tax Service.

The Silverton-based civil engineering firm, 7 OAKS ENGINEERING, INC, is excited to announce that it will be establishing its new office at 301 S. James Street. As a company deeply rooted in the community, 7 OAKS ENGINEERING is thrilled to secure permanent office space in town. This move not only signifies our commitment to Silverton but also enhances our ability to serve our clients with greater efficiency and dedication. We look forward to continuing our journey of growth and contributing to the development of our beloved community.

SDC 4.7.300 QUASI – JUDICIAL AMENDMENT

The application aims to comply with the City's Standard Development Code 4.7.300, Quai- Judicial Amendments;

1. *Approval of the request is consistent with the statewide planning goals.*
 - a. *Citizen Involvement - Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*

Findings: The applicant is actively engaging with the community to ensure compliance with Citizen Involvement - Goal 1. Efforts include contacting adjacent residential properties to inform and involve them in the planning process. Additionally, a certified mail list from the title company is being used to reach out to all property owners within 500 feet of the site. This outreach aims to provide these stakeholders with the opportunity to participate and voice their opinions, thereby fostering a transparent and inclusive planning process.

- b. *LAND USE PLANNING Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.*

Findings: The applicant proposed compliance with the Land Use Planning Goal and will not request an exception. All information provided herein is factual and to the best of the applicant's knowledge.

- c. *AGRICULTURAL LANDS Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.*

Findings: The property requesting the ZC and CPA is not agricultural lands, Goal C does not apply.

- d. *FOREST LANDS This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."*

Findings: The property requesting the ZC and CPA is not forested lands, Goal D does not apply.

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

Findings: The property requesting the ZC and CPA is not located within a natural and cultural area, such as wildlife or wetlands area, therefore , Goal E does not apply.

- f. *AIR, WATER AND LAND RESOURCES QUALITY* This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: This property requesting ZC and CPA will be consistent with the state and federal regulations and will not cause any groundwater pollution.

- g. *AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS* Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

Findings: Based on current FEMA flood maps, this property is located within minimal flood hazard zone 'X' per Map 41047C0243G, effective 1/19/2000.

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

Findings: This property is an existing building to remain and will not require recreation needs. The existing building will remain unchanged.

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

Findings: This property is an existing commercial building that will remain unchanged with occupational use. Housing for this property is not applicable.

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

Findings: This property is an existing commercial building that will remain unchanged. However, the applicant has elected to upgrade the existing sewer lateral as it is currently sitting at grade along the side of the building, which is not compliant with Oregon Plumbing Code. This sewer lateral upgrade is to modify the elevation and condition of the existing sewer lateral while maintaining the current size and flows. The lateral upgrade is per separate permit and not apart of this CPA and ZC. All other existing services will remain unchanged.

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

Findings: This property requesting the ZC and CPA is not changing the occupational use, nor will increase the amount of traffic generated. This is not applicable to this property.

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

Findings: The existing building at this property will remain unchanged, therefore this goal is not applicable.

- m. *URBANIZATION This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.*

Findings: The property is located within the City of Silverton's Urban Growth Boundary.

- n. *WILLAMETTE GREENWAY Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.*

Findings: The property is not located within close proximity the Willamette Greenway and therefore this goal is not applicable.

- o. *ESTUARINE RESOURCES This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."*

Findings: The property is not located within an Estuary and therefore this goal is not applicable.

- p. *COASTAL SHORELANDS* The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

Findings: The property is not located in a coastal area and therefore this goal is not applicable.

- q. *BEACHES AND DUNES* Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Findings: The property is not located in a beach or dune area and therefore this goal is not applicable.

- r. *OCEAN RESOURCES* Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: The property is not located adjacent to the ocean and therefore this goal is not applicable.

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

Findings: Per page 2-5 of City of Silverton's Comprehensive Plan, revised August 2002, 'Future land needs are based on population and employment projections. These are translated into a projected need for residential land, as well as property for businesses, public and other facilities or institutions needed to support the future population'. Per Table 2-2, Net Buildable Land Categorized by Zone, the available commercial property within the City's urban growth boundary is 18.6 acres out of a total 967.4 acres. This is less than 2% of the total area available in the City.

As stated above the property has historically been used for office and warehouse uses. A zone change to GC, General Commercial, would not only rectify the non-conforming use it would also continue to provide in demand small office spaces to the growing community. This is in line with Silverton's Comprehensive Plan objective of providing supporting commercial use properties to support the increasing population.

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

Findings: The only adopted plans that are relevant to this area are the Parks and Recreation Master Plan, the Transportation Master Plan, Stormwater Master Plan, Water Master Plan and Wastewater System Facility Master Plan.

This subject property will not be proposing new utility services, other than the replacement of the existing sewer lateral as mentioned above. The existing services provided to the property are adequate and the existing building will remain unchanged.

The City maintains the existing infrastructure for water, sewer, and storm drain that are located within S. James Street and Brooks Street.

There will not be any changes to the existing use of the building, therefore no increase to the existing traffic.

The existing building will remain and therefore will not trigger any stormwater requirements.

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

Findings: The proposed CPA and ZC fits the development pattern of the vicinity. This property has historically been used for office and warehouse uses. A CPA and ZC will not only rectify the non-conforming use it will also continue to provide office space to the growing community. This is in line with the City's Comprehensive Plan objective, of providing supporting commercial use properties to support the increasing population.

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

Findings: There is no identified mistake in the compilation of the zoning map for this area, although historically this property has always operated solely as commercial use. Therefore, the CPA and ZC would rectify the non-conforming use.

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

Findings: The existing property is currently serviced with adequate public facilities, services, and transportation networks, and will remain unchanged. This criteria has been met.

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

Findings: The requested ZC and CPA has an existing non-conforming building that will remain on the property. The existing building fronts a public street, S. James Street to the west of the property, and a public street, Brooks Street, to the north. This criteria is not applicable.

As the property has been historically operated in a non-conforming commercial use, specifically as warehouse and office space, this zone change would not alter the historic use or historic traffic demand generated by the property. Furthermore, with the unique shape, small size, and limited parking of the property is not contusive for other higher demand uses such as restaurant or fast food.

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

Findings: The proposal for a CPA and ZC will not affect the City's Urban Growth Boundary, therefore this criteria is not applicable.

The requested designation for a quasi-judicial map amendment meets all of the following tests;

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

Findings: Per page 2-5 of City of Silverton's Comprehensive Plan, revised August 2002, 'Future land needs are based on population and employment projections. These are translated into a projected need for residential land, as well as property for businesses, public and other facilities or institutions needed to support the future population'. Per Table 2-2, Net Buildable Land Categorized by Zone, the available commercial property within the City's urban growth boundary is 18.6 acres out of a total 967.4 acres. This is less than 2% of the total area available in the City.

As stated above the property has historically been used for office and warehouse uses. A zone change to GC, General Commercial, would not only rectify the non-conforming use it would also continue to provide in demand small office spaces to the growing community. This is in line with Silverton's Comprehensive Plan objective of providing supporting commercial use properties to support the increasing population.

2. *Designation is consistent with any relevant area plans adopted by the city council;*

Findings: The only adopted plans that are relevant to this area are the Parks and Recreation Master Plan, the Transportation Master Plan, Stormwater Master Plan, Water Master Plan and Wastewater System Facility Master Plan.

This subject property will not be proposing new utility services, other than the replacement of the existing sewer lateral as mentioned above. The existing services provided to the property are adequate and the existing building will remain unchanged.

The City maintains the existing infrastructure for water, sewer, and storm drain that are located within S. James Street and Brooks Street.

There will not be any increase to the existing traffic.

The existing building will remain and therefore will not trigger any stormwater requirements.

3. *The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.*

Findings: The proposed CPA and ZC fits the development pattern of the vicinity. This property has historically been used for office and warehouse uses. A CPA and ZC will not only rectify the non-conforming use it will also continue to provide office space to the growing community.

This is in line with the City's Comprehensive Plan objective, of providing supporting commercial use properties to support the increasing population.

4. *An identified public need will be met by the proposed change that is not already met by other available property.*

Findings: The requested ZC and CPA would rectify the existing non-conforming commercial use, and continue to allow office space for this growing community.

5. *The requested designation is consistent with the statewide planning goals.*
 - a. *Citizen Involvement - Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*

Findings: The applicant is actively engaging with the community to ensure compliance with Citizen Involvement - Goal 1. Efforts include contacting adjacent residential properties to inform and involve them in the planning process. Additionally, a certified mail list from the title company is being used to reach out to all property owners within 500 feet of the site. This outreach aims to provide these stakeholders with the opportunity to participate and voice their opinions, thereby fostering a transparent and inclusive planning process.

- b. *LAND USE PLANNING Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.*

Findings: The applicant proposed compliance with the Land Use Planning Goal and will not request an exception. All information provided herein is factual and to the best of the applicant's knowledge.

- c. *AGRICULTURAL LANDS Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.*

Findings: The property requesting the ZC and CPA is not agricultural lands, Goal C does not apply.

- d. *FOREST LANDS* This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Findings: The property requesting the ZC and CPA is not forested lands, Goal D does not apply.

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

Findings: The property requesting the ZC and CPA is not located within a natural and cultural area, such as wildlife or wetlands area, therefore, Goal E does not apply.

- f. *AIR, WATER AND LAND RESOURCES QUALITY* This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: This property requesting ZC and CPA will be consistent with the state and federal regulations and will not cause any groundwater pollution.

- g. *AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS* Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

Findings: Based on current FEMA flood maps, this property is located just outside the FEMA Flood Zone, per Map 41047C0243G, effective 1/19/2000.

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

Findings: This property is an existing building to remain and will require recreation needs. The existing building will remain unchanged.

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

Findings: This property is an existing commercial building that will remain unchanged with occupational use. Housing for this property is not applicable.

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

Findings: This property is an existing commercial building that will remain unchanged. However, the applicant has elected to upgrade the existing sewer lateral as it is currently sitting at grade along the side of the building, which is not compliant with Oregon Plumbing Code. This sewer lateral upgrade is to modify the elevation and condition of the existing sewer lateral while maintaining the current size and flows. The lateral upgrade is per separate permit and not a part of this CPA and ZC. All other existing services will remain unchanged.

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

Findings: This property requesting the ZC and CPA is not changing the occupational use, nor will increase the amount of traffic generated. This is not applicable to this property.

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

Findings: The existing building at this property will remain unchanged, therefore this goal is not applicable.

- m. *URBANIZATION This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.*

Findings: The property is located within the City of Silverton's Urban Growth Boundary.

- n. *WILLAMETTE GREENWAY Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.*

Findings: The property is not located within close proximity the Willamette Greenway and therefore this goal is not applicable.

- o. *ESTUARINE RESOURCES This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft*

development. It then describes types of land uses and activities that are permissible in those "management units.

Findings: The property is not located within an Estuary and therefore this goal is not applicable.

- p. *COASTAL SHORELANDS* The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

Findings: The property is not located in a coastal area and therefore this goal is not applicable.

- q. *BEACHES AND DUNES* Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

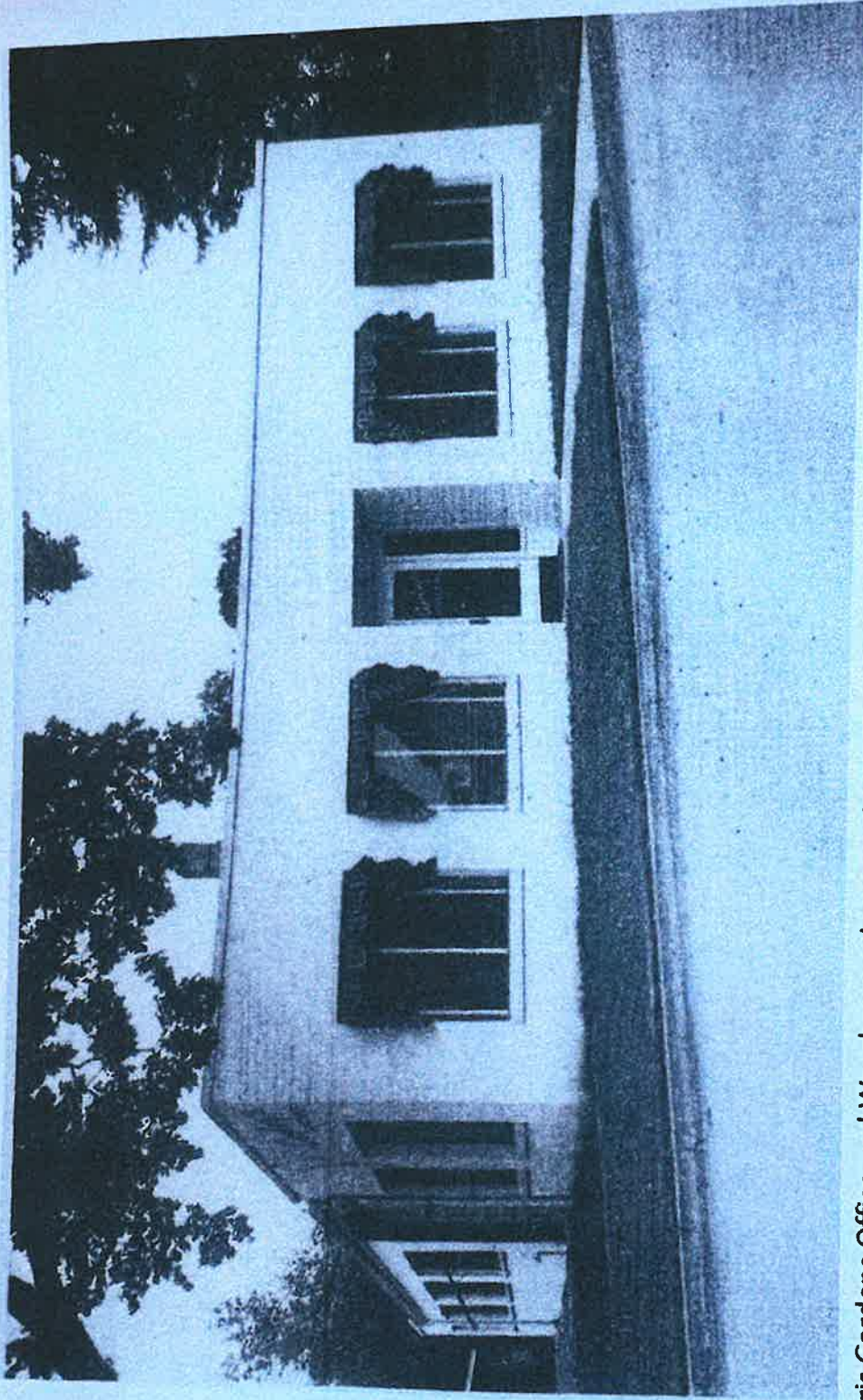
Findings: The property is not located in a beach or dune area and therefore this goal is not applicable.

- r. *OCEAN RESOURCES* Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: The property is not located adjacent to the ocean and therefore this goal is not applicable.

Cooley's Iris Gardens Office & Warehouse

301 South James Street

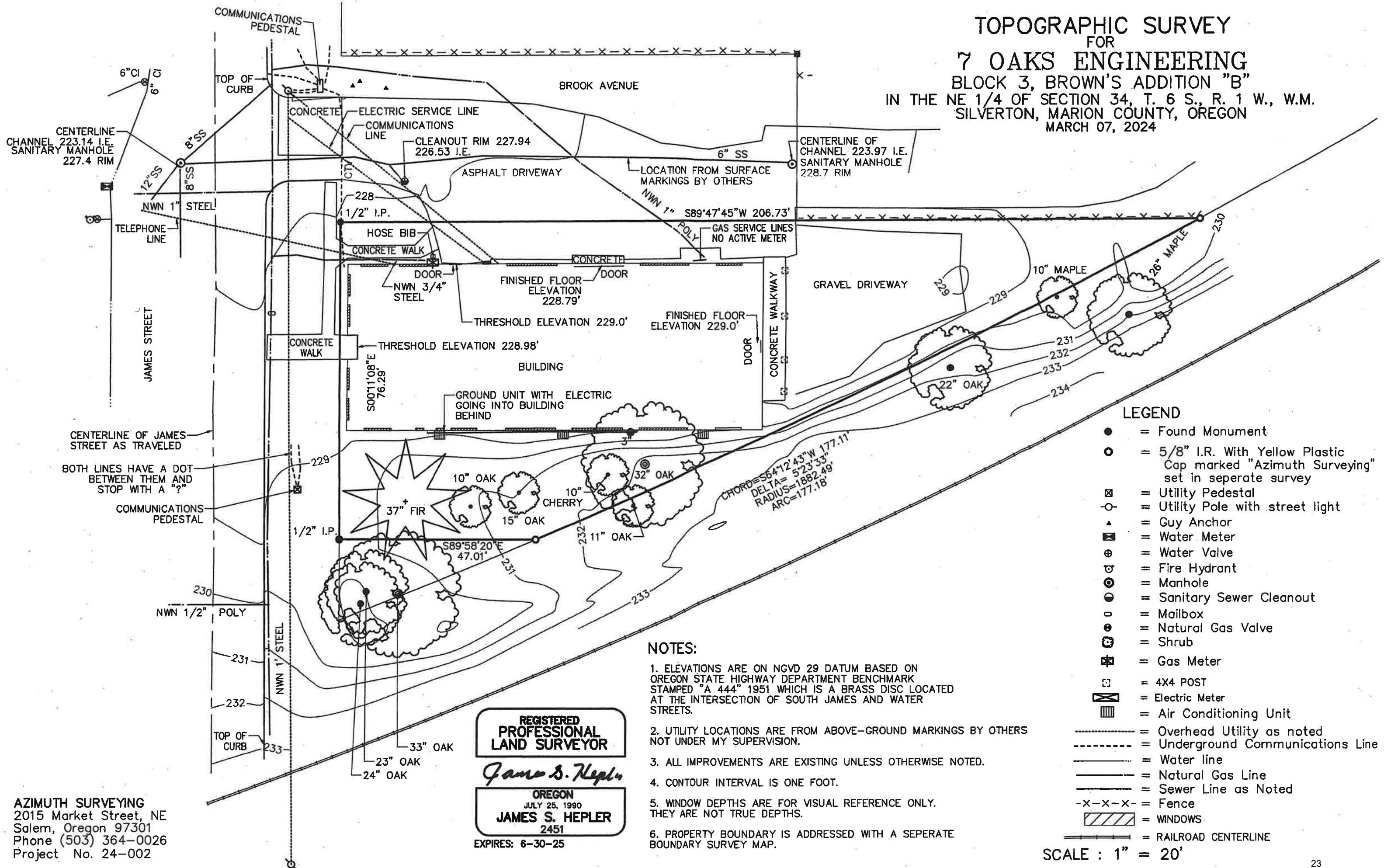


Cooley's Iris Gardens Office and Warehouse, shown in the 1940s; on the grounds (to the left of this building), was a pristine-looking wooded display gardens that existed into the early 1960s, and included nicely manicured lawns with an assortment of beautiful irises on display during the late Spring. An intense windstorm on October 12, 1962 (known as the Columbus Day Storm) virtually destroyed the wooded portion of the gardens, and the remainder of the gardens was removed soon afterwards (Photo from Cooley's Family Archive)



Haynes Tax Service in the former Cooley's Iris Gardens Office/Warehouse Building, as shown in 2023; the spot where a display garden was once located (to the left), is now covered with single-family homes and condominiums
(Photo by Norman L. English)

TOPOGRAPHIC SURVEY
FOR
7 OAKS ENGINEERING
BLOCK 3, BROWN'S ADDITION "B"
IN THE NE 1/4 OF SECTION 34, T. 6 S., R. 1 W., W.M.
SILVERTON, MARION COUNTY, OREGON
MARCH 07, 2024



- LEGEND**
- = Found Monument
 - = 5/8" I.R. With Yellow Plastic Cap marked "Azimuth Surveying" set in separate survey
 - ⊠ = Utility Pedestal
 - ⊙ = Utility Pole with street light
 - ▲ = Guy Anchor
 - ⊞ = Water Meter
 - ⊕ = Water Valve
 - ⊙ = Fire Hydrant
 - ⊙ = Manhole
 - ⊙ = Sanitary Sewer Cleanout
 - = Mailbox
 - ⊙ = Natural Gas Valve
 - ⊙ = Shrub
 - ⊞ = Gas Meter
 - ⊞ = 4X4 POST
 - ⊞ = Electric Meter
 - ⊞ = Air Conditioning Unit
 - = Overhead Utility as noted
 - = Underground Communications Line
 - = Water line
 - = Natural Gas Line
 - = Sewer Line as Noted
 - x-x-x- = Fence
 - ▨ = WINDOWS
 - ==== = RAILROAD CENTERLINE

- NOTES:**
1. ELEVATIONS ARE ON NGVD 29 DATUM BASED ON OREGON STATE HIGHWAY DEPARTMENT BENCHMARK STAMPED "A 444" 1951 WHICH IS A BRASS DISC LOCATED AT THE INTERSECTION OF SOUTH JAMES AND WATER STREETS.
 2. UTILITY LOCATIONS ARE FROM ABOVE-GROUND MARKINGS BY OTHERS NOT UNDER MY SUPERVISION.
 3. ALL IMPROVEMENTS ARE EXISTING UNLESS OTHERWISE NOTED.
 4. CONTOUR INTERVAL IS ONE FOOT.
 5. WINDOW DEPTHS ARE FOR VISUAL REFERENCE ONLY. THEY ARE NOT TRUE DEPTHS.
 6. PROPERTY BOUNDARY IS ADDRESSED WITH A SEPERATE BOUNDARY SURVEY MAP.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**
James S. Hepler
OREGON
JULY 25, 1990
JAMES S. HEPLER
2451
EXPIRES: 6-30-25

AZIMUTH SURVEYING
2015 Market Street, NE
Salem, Oregon 97301
Phone (503) 364-0026
Project No. 24-002

SCALE : 1" = 20'

ATTACHMENT C: STAFF REPORT, CP-24-02 & ZC-24-01

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on August 15, 2024 requesting a change in Comprehensive Plan designation of a .23 acre site at 301 S. James Street (Marion County Assessor's Map 061W34AD04300) from Multi-Family Residential to Commercial with a concurrent Zone Change to zone the property General Commercial (GC). The property has been historically utilized for commercial purposes and operated as a non-conforming use.
2. Notice was mailed to all property owners within 700 feet of the subject area on September 18, 2024. The notice was published in the Statesman Journal on September 25, 2024. The site was posted on September 27, 2024.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500 **Type IV Procedure**

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on August 15, 2024. A public notice for this request was mailed to all property owners within 700 feet of the site on September 18, 2024. The notice was published in the Statesman Journal on September 25, 2024. The site was posted on September 27, 2024. The application will be before the Planning Commission on October 8, 2024 and will be before the City Council for review.

Section 4.12.400 **Review Criteria**

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

Findings: The property is .23 acres in size and is designated Multi-Family Residential on the Comprehensive Plan and is zoned R-5, Low Density Residential. The site is developed with a 3,985 square foot building historically used for commercial purposes as a non-conforming use. The site has frontage on South James Street, a local collector roadway under City of Silverton jurisdiction. Single family and multi-family homes are to the north of the site, single family homes exist to the west, a railroad and commercial properties are east and south of the site.

The applicant is requesting a Comprehensive Plan Amendment to designate the property Commercial with a concurrent Zone Change to zone the property General Commercial (GC). The requested zoning designation will allow the site to be used as office space as a permitted use where it currently is operated as a non-conforming use.

The goal of the Urbanization element of the Comprehensive Plan (Comp Plan) is to “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.”

By allowing the change, the multi-family residential supply will be decreased by a maximum of two dwellings due to the small size of lot. The property has always operated as a non-conforming commercial use, the site is not large enough for more than 2 dwellings so even if developed as residential it could not function as multi-family residential. Because of this the zone change will not have an impact on the multi-family residential deficit for the City.

One of the Urbanization policies in the Comprehensive Plan is to allow existing commercial establishments located in areas the Plan designates as non-commercial to be permitted to continue but not be permitted to expand except by conditional use permit. Since the Comprehensive Plan does not discourage the non-conforming use, changing the plan designation of the property will rectify the current condition with the current code.

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

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

Findings: The site is not located in an area plan adopted by the City Council. The criterion is not applicable.

3. *The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.*

Findings: The site is located next to a railroad and Marion County arterial road with General Commercial to the south and east. A mixture of Single-Family and Multi-Family is located to the north and west. The comprehensive map pattern is a mixture of Single-Family residential, Multi-Family, and Commercial.

The property has been historically utilized for commercial purposes and operated as a non-conforming use. Therefore, the resulting comprehensive plan and zone change will not have a negative impact upon the area as the overall operation of the site will not change as part of this application. The criterion is met.

- 4. An identified public need will be met by the proposed change that is not already met by other available property.*

Findings: The 2019 Housing Needs Analysis estimates that the City needs a multi-family increase of 17 acres of buildable land to accommodate 304 multi-family dwelling units. The property is currently designated as multi-family residential in the comprehensive plan. The property contains .23 acres which would accommodate a maximum of two dwellings. Two dwellings on a site is not defined as multi-family.

The 2011 Economic Opportunities Analyst estimates the City has a surplus of 1 acre for low growth commercial but needs an additional 3 acres of commercial land for medium to high growth. The site is currently developed with a 3,985 square foot building historically used for commercial purposes as a non-conforming use. The site will continue to be used as a commercial use therefore not reducing residential dwellings as no dwellings existed on the site.

If the building was destroyed under the current zoning, the property would be required to be re-established as residential with either a single-family home or a duplex. The property's small size does not allow multi-family density to be built on site. A duplex would also be allowed in the single-family residential zone therefore the property would not function as multi-family.

If the property was rezoned commercial, the applicant would likely be limited in the ability to expand the square footage of the building due to lack of available land to add additional parking.

- 5. The requested designation is consistent with the statewide planning goals*

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

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

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

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

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

Findings: The request is consisted with relevant policies and has been found to be more supportive of the plan as a whole than the old designation.

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

Findings: As noted above, there are not relevant area plans in the vicinity of the site.

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

Findings: As noted above, the designation is consistent with the pattern and no negative impacts are anticipated as the site has been operating as a commercial use for many years.

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

Findings: As noted above, the requested zone change will allow an existing commercial use to continue in a commercial building. While there is an identified need for multi-family dwellings, the size and shape of the parcel under the currency zoning would not allow the development of multi-family units as the max development capacity is a duplex, which is allowed on any lot a single-family dwelling is allowed.

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

Findings: The utilities exist adjacent to the site and the building is connected to the utilities. The local street network is in place and is capable of continuing to support the existing use.

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

Findings: The transportation planning rule is not applicable.

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

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

C. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed comprehensive plan amendment and zone change meets all applicable Silverton Development Code Review Criteria and Standards.

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

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

Once the City Council receives Planning Commission's recommendation on the comprehensive plan amendment and zone change, the Council will review the findings and the recommendation in a public hearing.

Staff finds the application, as presented, meets or can meet the applicable City codes and requirements.

Planning Commission Options:

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

ATTACHMENT D: TESTIMONY

None Received.



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

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-24-01 & CP-24-03

LAND USE DISTRICT:
RS, SINGLE-FAMILY RESIDENTIAL

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 061W27DA
LOTS #: 01200
SITE SIZE: 1.25 ACRES
ADDRESS: JEFFERSON STREET

APPLICANT:
OWEN VON FLUE
PO BOX 800
SILVERTON, OR 97381

PROPERTY OWNER:
OWEN VON FLUE & JILL VON FLUE
PO BOX 800
SILVERTON, OR 97381

LOCATION: LOCATED ON THE NORTH
SIDE OF THE JEFFERSON STREET BETWEEN
HIGHWAY 214 AND N. 2ND STREET.

PROPOSED DEVELOPMENT ACTION: COMPREHENSIVE PLAN AMENDMENT TO CHANGE COMPREHENSIVE PLAN DESIGNATION FROM SINGLE FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL WITH A CONCURRENT ANNEXATION APPLICATION TO ANNEX MARION COUNTY ASSESSOR'S MAP 061W27DA TAX LOT 01200 INTO THE CITY LIMITS AND ZONE THE PROPERTY RM-10. THE TOTAL AREA OF THE ANNEXATION REQUEST IS 1.25 ACRES. THIS WOULD ALLOW THE PROPERTY TO DEVELOP BETWEEN 12 AND 25 DWELLING UNITS ON SITE.

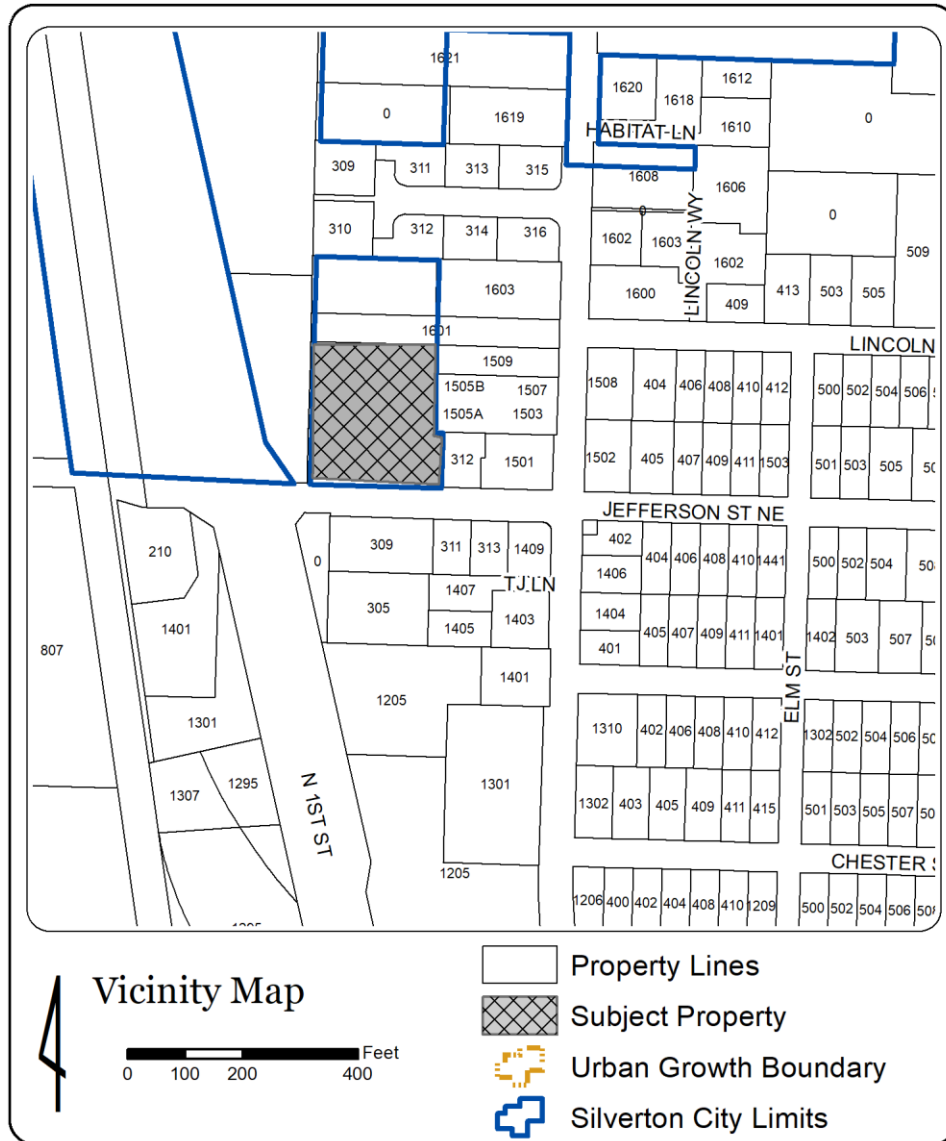
DATE: OCTOBER 1, 2024

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

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-24-01 & CP-24-03
Vicinity Map and Surrounding Land Use Districts

- North – RS, Single Family Residential
- East – R-1, Single Family Residential
- South – IP, Industrial Park
- West – GC, General Commercial



REVIEW CRITERIA: 4.10.140. When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

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

4.12.400. Amendments to the Comprehensive Plan will be approved if the council finds that the applicant has shown that the following applicable criteria are met

The requested designation for a quasi-judicial map amendment meets all of the following tests:

1. The requested designation for the site has been evaluated against relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation.
2. The requested designation is consistent with any relevant area plans adopted by the city council.
3. The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.
4. An identified public need will be met by the proposed change that is not already met by other available property.
5. The requested designation is consistent with the statewide planning goals.

ATTACHMENT B: APPLICANT'S NARRATIVE

Jefferson Street Minor Annexation and Zone Change

RE: Concurrent Annexation and Comprehensive Plan Change
Vicinity: Jefferson Street
Map: 0661W27DA01200
Taxlot: 1200

Background: The subject property is 1.25 acres in size located on Jefferson Street, immediately West of and adjacent to, 312 Jefferson. The subject property is zoned single family on the Comprehensive Plan Map. A small portion of the subject property, .03-acres, is already within the incorporated city limits and zoned R1. The remainder is within the UGB, but outside the city limits.

Proposal: The applicant is proposing to Annex the subject property into the Silverton city limits through the Minor Annexation process and concurrently change the comprehensive plan zone designation from (R-1) single-family residential to multifamily residential (RM-10).



Vicinity Information: The subject property is located on the North side of Jefferson Street near the intersection of HWY 214. The vicinity map above shows the property bounded in red. Note that a small portion of the subject property is already within the Silverton city limits. The surrounding land uses within the vicinity are zoned and used as follows:

North: The back portion of two properties, together comprising .74 acres of land, are situated immediately to the North and are inside the UGB, but outside the City limits. These parcels, together with the subject property, comprise an island of County zoned RS, residential single family, wholly surrounded by City limits. These

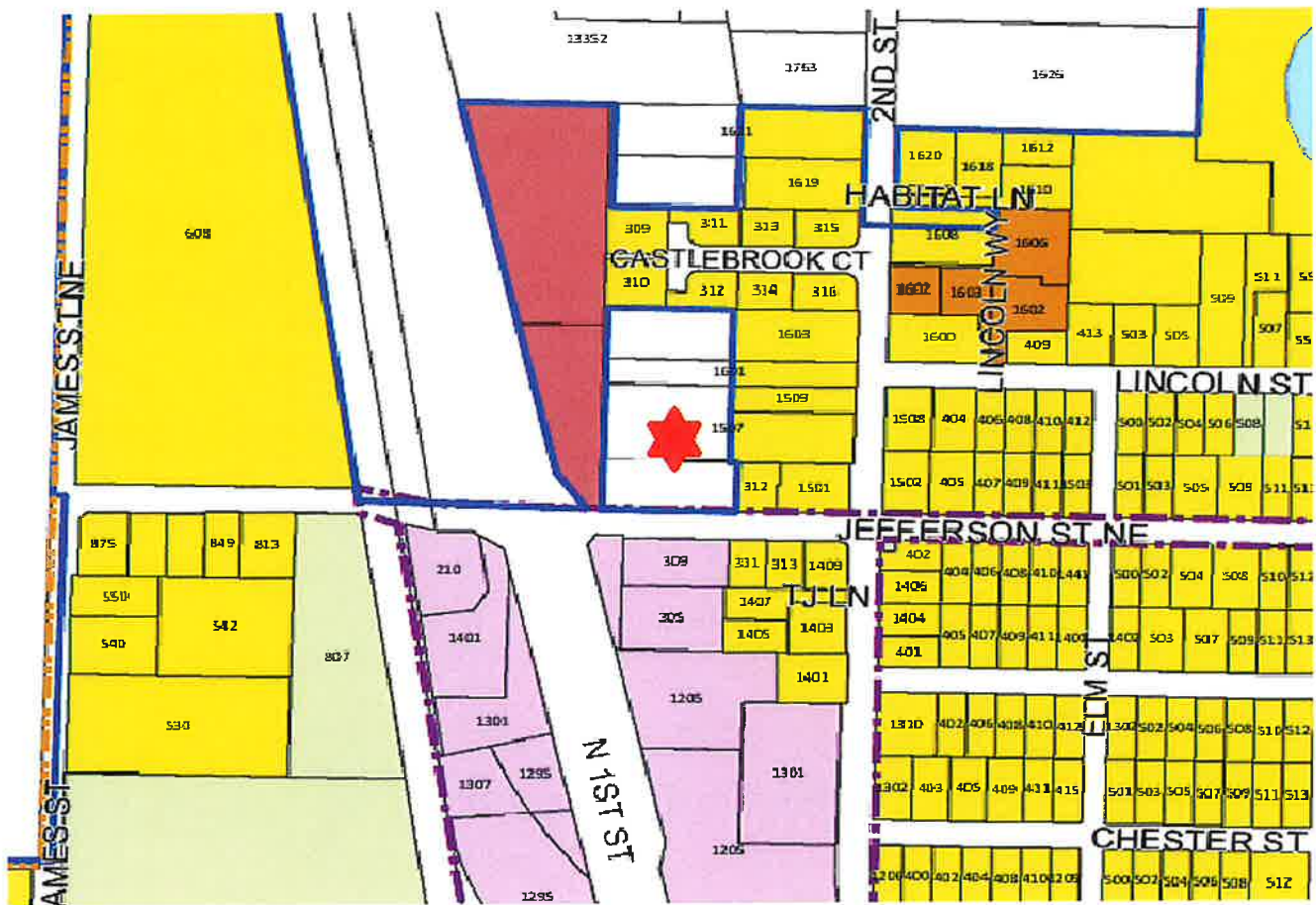
properties take access from North 2nd Street. The adjacent parcel, tax lot 800 is half inside the city limits and half out. There is a single-family home on TL 800 fronting North Second Street. TL 700 is approximately 1/2 acres and is undeveloped except for a small accessory shop building.

West: Adjacent to the West is a triangular parcel of land that forms the NE corner of the Silverton Hillsboro Highway and Jefferson. This property is within the City limits and is zoned GC, general commercial. It is undeveloped.

East: To the East is zoned R-1 residential and is fully developed with existing single-family residences.

South: Across Jefferson Street to the South sits a block of IP, Industrial Park, zoned properties changing midblock to the East to R-1 zone. These properties are fully developed consistent with their zoning.

Below is the relevant portion of the City of Silverton Zoning Map showing the zoning in the vicinity.



Current Use and Zoning:

The subject property is currently under Marion County’s jurisdiction. County zoning allows, in theory,

residential development with 6,000 sq. ft. minimum lot size. However, it is not possible to develop the subject property while under County jurisdiction because the County does not have sewer or water utilities available and further, the City will not allow connection to available City sewer and water utilities unless and until the subject property is within the City's jurisdiction. For those reasons, while the highest and best use of the subject property is clearly residential use, that use is not possible as the subject property is locked in a jurisdictional conundrum. This situation is suboptimal to all parties involved, the owner, the County and the City. Approval of this application will align all parties' interests and provide needed housing, infrastructure and tax base for Silvertonians.

Narrative Addressing Annexation Criteria:

4.10.140 Review Criteria. When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. *Adequacy of access to the site;*

Response: The subject property has 230.04 feet of frontage on Jefferson Street. The topography is flat and access from a new driveway can be provided in compliance with City code.

2. *Conformity of the proposal with the city's comprehensive plan;*

The property is currently slated to come into the City as R-1-single family residential. For that reason, this application seeks a concurrent comprehensive zone map change to RM-10, to allow the application to meet annexation review criterion No. 13. A conceptual site plan has been submitted to illustrate what development may occur on the site, but applicant is aware that separate review would be required for approval of any development plan. Residential use will conform with the City's comprehensive plan.

The Goal of the Urbanization Element of the comprehensive plan is to, "Provide **adequate land to meet anticipated future demands** for urban development in a logical and orderly manner." Emphasis supplied. Its objectives are to (a) maintain a supply of buildable residential, commercial and industrial land within the City's UGB as allowed by state law; (b) continue to work with Marion County to manage land development between the city limits and the UGB; and (c) consistently apply and enforce the City's development policies, codes, standards and other regulations to maintain livability and ensure efficient use of land.

Shortage of Multifamily Units: The City Council in 2020 adopted City of Silverton Ordinance 220-11, approving a comprehensive plan amendment, CP-20-01, to adopt the 2020 Silverton housing needs analysis and housing strategy as a support document to the 2002 Silverton comprehensive plan. CP-20-01 includes the following findings of the City Council:

“9. A 20-year population forecast (in this instance, 2020 to 2040) is the foundation for estimating the number of new dwelling units needed. The forecast of population for Silverton for the 2020-2040 period per Metro 2040 Population Distribution Forecast 2016 is estimated to increase from 10,701 to 13,759, an increase of 3,058 people representing a 29% increase with a 1.26% annual growth rate.

10. To accommodate the city's forecasted population growth of 3,058 new residents, Silverton will need to plan for 1,158 new dwelling units between 2020 and 2040, at an annual average of about 58 new dwelling units per year. About 753 dwelling units are anticipated to

be single-family detached housing types (65%); 81 dwelling units will be single-family attached housing types (7%); 151 dwelling units will be duplexes, triplexes, and quadplexes (13%); and 174 dwelling units will be multifamily housing types of five or more units (15%).

11. The City cannot adopt the housing needs analysis until it identifies how it will meet this **17 gross acre deficit of land in the Multifamily Plan Designation**. ORS 197.296 requires that the City must adopt “measures” (i.e., policies) “...necessary to accommodate the estimated housing needs.” 11.1 The City will consider rezoning the properties that are designated Multifamily of the Comprehensive Plan that are currently zoned R-1 to a Multifamily zone 11.2 The City will develop a more defined plan for potential multifamily housing on the city-owned Westfield property. 11.3 The City will consider allowing middle housing in the R-1 zone. 11.4 The City will develop criteria and a process for identifying land to up-zone (or rezone) to meet the deficit of land for multifamily development.” (*emphasis supplied*).

The applicant’s proposal helps the City to achieve its housing needs by bringing in additional land that is currently barely developable and re-designating it to RM-10, which will allow for the construction of up to 25-additional multifamily units. The City’s adopted Comprehensive Plan, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use inventories and buildable lands. The proposal, if approved, will add to the multifamily housing inventory of the City and meet the intent of the Goal and Policies 1, 2, 3, 6, 8, 12, 18 and 19.

By developing this site with multifamily units and creating needed housing in this neighborhood, a diverse neighborhood is being established, creating multifamily in a neighborhood within easily walkable distance for services and amenities. The subject property is 1.25 acres, which would support a maximum of 25-units under the proposed RM-10 zoning, thereby, meeting the Goal of the Housing Needs Strategy and the City of Silverton’s housing needs for multifamily.

The goal of the air, water and land resources quality seeks to “Maintain and improve the quality of the area’s air, water and land resources.” The area proposed for annexation is not developed. Future development, if annexed, will require compliance with all City codes and requirements for the protection from erosion, and will require proper collection and dispersal of surface water. As such, connection to City utilities and compliance with development codes and regulations will meet this goal.

A goal of the transportation element is to “Provide a safe, convenient, aesthetic and economical transportation system.” Any development of the site will only impose a minimal burden on the existing roadways. Further, new connection to the roadway will be permitted and installed in compliance with all applicable transportation, access and circulation codes and standards. Again, the close proximity to the City center makes walking and biking a real likelihood for residents.

A goal of the Housing Element to “Meet the projected housing needs of the citizens in the Silverton area.” The objectives of the Housing Element are to: Encourage a “small town” environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes. The subject property is not farmland, rather it is a small parcel surrounded by the City. The

subject property is immediately adjacent to city utilities, it is flat and located close to the town center and many of the town's essential businesses are within easy walking distance. These factors make the subject property a suitable area for development under the stated elements. The housing need is well established by the City Council as set forth above. Future development can be designed in such a way that the multifamily units find a harmonious balance between relatively affordable economic housing and attractive small-town feel.

The goals and policies of the Economy element of the Comprehensive Plan largely speak to encouraging the diversification of the local economy. Clearly more housing is needed. Development of the subject property will provide additional housing for the employees of local businesses and make it easier for them to recruit and retain their workforce. Creating needed housing clearly benefits the economic goals and needs of the City.

The Citizen Involvement element of the comprehensive plan is satisfied by the established public process, which includes notice and an opportunity to participate in the planning commission hearing. The purpose of the public hearing is to solicit and involve the public in the decision-making process. The public hearing notice will be published, posted and notices mailed in accordance with municipal code requirements.

The Goal of the public facilities and services elements of the comprehensive plan is to "Provide orderly and efficient public facilities and services to adequately meet the needs of the Silverton residents." The water, sewer and storm water systems and transportation networks exist adjacent to the subject property. This goal is met.

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

Response: All City public utilities are available in Jefferson Street and have sufficient capacity to serve the subject property. Each of the utilities is the standard size to serve residential development. Streets in the vicinity are fully developed and have sufficient capacity to serve additional traffic caused by the development of the subject property. Consistent with City policy, the frontage will be improved with curb and sidewalk as a condition of future development. The proposal satisfies this criterion.

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

Response: Any future development will be conditioned upon that development meeting all City codes and requirements. Thus, this condition is self-satisfying as described in No. 3 above.

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

Response: The subject property is contiguous on three sides with the City limits. Indeed, but for two small parcels, together only .74 acres, the subject property is entirely surrounded by the City limits. The fact that it has not previously been annexed is contrary to what most urban planners advise for proper and efficient urban development. The fact that Silverton has a number of such islands encapsulated within its City limits is something that the Council should consider rectifying en masse. There is no

satisfactory reason to maintain small islands of County property within city limits. Indeed, many cities will automatically annex such island parcels. Being already surrounded, and partially in, partially out, it would seem patently obvious that the requirements of this No. 5 are satisfied. Without annexation, development alternatives are quite limited. Under the current County zoning single family development is allowed with a 6,000 square foot parcel minimum, however, the City will not allow County property access to its utilities. Therefore, development of the property under County zoning would need to include wells and septic systems. Drilling new wells and installing septic systems takes significant space and would not allow for more than one or possibly two homes to be built on this property. Additionally, City policy does not support additional wells and septic systems within the City, which the subject property is within, not technically, but in physical reality. Further, developing the subject property at such a low density as would be necessitated under County zoning would effectively permanently remove an excessively large amount of land that could otherwise be used to meet the City's housing needs. This would be inefficient urban planning.

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

Response: The subject property is within the urban growth boundary. Indeed, .03 acres of the subject property are within both the UGB and the city limits. This criterion is satisfied.

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

Response: In an annexation application, there is technically no proposed use being made. Nevertheless, a conceptual plan is attached to demonstrate that the subject property can support residential development consistent with the RM-10 zone and in compliance with the City's codes and requirements. Thus, if developed as desired, the development will be consistent with the RM-10 comprehensive plan designation.

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

Response: See response to criterion No. 2 above which demonstrates that the proposed annexation conforms with the City's comprehensive plan.

9. *Shall be in compliance with applicable sections of ORS Chapter 222;*

Response: ORS 222 provides for a means of annexation by election or by action of the governing body. However, the City is no longer allowed to submit proposals for annexation to the electors of the city for their approval or rejection. The application is following the Type IV procedure, consistent with ORS 222 for annexation procedures. Therefore, this criterion is met.

10. *Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed by applicant's conceptual development plan;*

Response: There are no natural hazards on the subject property, no slopes and no floodplain and no wetlands. A copy of the Nation Flood Hazard Layer FIRMette is attached. This criterion is satisfied.

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

Response: There are no areas on the site identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas. The criterion is met.

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

Response: The annexation will add additional developable land to the City Limits. After full development of the units, this project may add approximately 24 multifamily units having a value of approximately \$5,000,000 of market value added to the tax base. Further, the project will generate significant SDC fees and school district excise taxes. These fees and taxes would offset the additional burden that the project places on the City services and school district. Additionally, approximately \$1,454,472 of median household income will be added within the City. Given that there is a shortage of multifamily zoned land and that multifamily zoned land has been identified by the City as an urgent unmet need, there can be little doubt that annexing this parcel with the requested zone change would be an economic benefit. This criterion is met.

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

Response: The shortage of multifamily redevelopable land within the city limits is well established. See the commentary in Section #2 above for full details.

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

Response: Adequate public facilities exist in Jefferson Street. Further, given the shortage of redevelopable multifamily land within the City limits boundary require additional land be brought into the City Limits through annexation. To date, the City's other strategies of identifying possible redevelopable parcels within the City and asking their owner to voluntarily rezone has not been productive. Therefore, the present application offers the opportunity to create needed housing within the immediately foreseeable future.

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

Response: To date, the City of Silverton has failed to provide a regulatory environment in which needed housing can be supplied by the private sector at affordable prices. Housing and public safety are the principal concerns of local government. It is incumbent upon the City, to serve its citizens, to take all reasonable steps to increase housing supply. This application is one such step that will urbanize a parcel of land within its boundaries to an efficient density in accordance with statewide land use goals and planning. Approval of this application will result in clear benefit to the public.

**APPLICANT’S NARRATIVE
ADDRESSING THE COMPREHENSIVE PLAN AMENDMENT CRITERIA**

Much of the narrative relating to the Annexation is applicable to the zone map amendment criteria. For that reason, by this reference the applicant incorporates the annexation narrative as applicable without restating it.

The requested designation for quasi-judicial map amendment meets all of the following tests:

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

RESPONSE: The Silverton Comprehensive Plan Residential Development Policy No. 4 (page 2-18) states that “Multiple family development will be encouraged, especially in but not limited to areas close to the central business district, or within walking distance of neighborhood commercial area, or in the areas designated for mixed use. It is also desired that multiple family development should be scattered around the community and not concentrated within any one particular area. Small developments which fit in the existing neighborhood are preferred.”

The applicant’s proposal is to rezone 1.25 acres of property to allow a higher density of residences to be built on the site. The proposed zone will help to meet the pressing unmet housing needs of Silverton.

This development will provide multifamily land in an area that is at the transition from single family residential to general commercial and industrial. Silverton municipal code states that the RM-10 zone “is an appropriate transition between R zoning and higher density residential or commercial districts. *MC18 2.2.100B3*. This rezone will help to provide a small development of needed housing that fits within the existing neighborhood and therefore not concentrating multifamily in one area.

There is a shortage of appropriately designated vacant RM land in this vicinity. The only other RM Zoned properties in the immediate area are fully developed. The closest is the Silvertowne Apartments, but those are subsidized and not available to the general public and are located at some distance to the subject property. The subject property will provide mixed housing within walking distance to schools, medical providers, City Hall and shopping.

In conclusion, this site meets the policies of the Comprehensive Plan by providing a needed land use in the area, by helping to meet housing needs, and by providing necessary access to the major street system and adjacent properties. Further, given that there is an adequate supply of R1 redevelopable property already within the city limits, changing the subject property to RM-10 will provide needed multifamily land. For all these reasons, the proposed change to multifamily RM-10 zone is more consistent with the goals and policies of the comprehensive plan than the current zone.

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

FINDINGS: The site is not located in an area plan adopted by the City Council. The criterion is not applicable.

3. *The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.*

FINDINGS: The proposed comprehensive plan change/zone change fits the development pattern of the vicinity. The surrounding properties are zoned and/or developed as residential, general commercial and IP. The subject property, if annexed, would by default be zoned residential single family which allows density of 6 dwelling units per acre, or as many as 7 on the subject property. Under the new middle housing laws, the 7 parcels could be redivided for a total of 14 parcels. The RM-10 zone allows the property to be developed with multifamily dwellings at a density of up to 20 units per acre. The subject property could theoretically fit 25-units at maximum density in the RM-10 zone. proposed multifamily development will be compatible with the existing residential uses and there is no significant anticipated negative impact on the area resulting from the change. This development will provide multifamily land in an area that is at the transition from single family residential to general commercial and industrial. Silverton municipal code states that the RM-10 zone “is an appropriate transition between R zoning and higher density residential or commercial districts. *MC18 2.2.100B3*. This is not a negative impact, but rather a use that better meets the goas and elements of the comprehensive plan.

4. *An identified public need will be met by the proposed change that is not already met by other available property.*

RESPONSE: The recent Housing Needs Analysis finds that “Silverton has a deficit of capacity for 304 dwelling units in the Multifamily plan designation.” Stated in acreage, the deficit is 17 acres. Conversely, the HNA found an excess capacity of 1,409 dwelling units in R1 single family zoned land. It is clear that housing needs in this category are not being met by other available property. The proposed change satisfies this criterion.

5. *The requested change is consistent with the statewide planning goals.*

RESPONSE: The City of Silverton adopted the Comprehensive Plan to be consistent with the statewide planning goals and has been acknowledged by the State. For that reason, if the proposed change is consistent with the City’s comprehensive plan, it is by definition consistent with the statewide planning goals. Further, analysis and support is given in response No. 2 in the annexation narrative.

SUMMARY AND CONCLUSIONS

For all the reasons expressed herein, the application should be approved. The proposal meets all of the applicable Silverton Development Code Review Criteria Standards and approval of this application will provide much needed multifamily housing.

Jefferson Street Minor Annexation and Zone Change

RE: Concurrent Annexation and Comprehensive Plan Change
Vicinity: Jefferson Street
Map: 0661W27DA01200
Taxlot: 1200

ADDITIONAL NARRATIVE RE SMC CHAPTER 18 SECTION 14.10.120(J)1-7

Surprisingly, the single largest challenge facing Silverton is housing availability and affordability, yet the code criteria totally fail to capture elements related to addressing these challenges. Instead, the criteria focus almost entirely on other impacts. As a result, the code can be said to be “anti-housing.” It is no wonder that we have a housing crisis. The product of the code is its intent. “The City’s residential policies can impact the amount of change in Silverton’s housing market, to some degree. If the City adopts policies to increase opportunities to build smaller-scale single-family and multifamily housing types (particularly multifamily housing that is affordable to lower and higher-income households), a larger percentage of new housing developed over the next 20 years in Silverton may begin to address the City’s Needs.”

SMC Chapter 18 Section 14.10.120(J):

1. *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities; and*

Response: All city utilities are available in Jefferson Street, which is classified as a Local Street. See the attached exhibit detailing city utilities in Jefferson Street. For a very long time City public works design standards have required City utility lines to be designed to serve future development of the surrounding area. For that reason, the storm, water and sewer lines existing in Jefferson Street have more than adequate capacity to serve this project.

The water line is an 8” ductile iron line with capacity to serve approximately 4,114 residences based on typical average household use of 350-gallons per day. According to City staff, the hydrant located near the SE property corner most recently tested at 80lbs static PSI and produced 1,407 gallons per minute with a static pressure of 66 PSI. The conceptual design would require only a 1.5” capable of supplying 272 fixture units and a maximum flow rate of 170 gallons per minute.

The Mainline Sewer in Jefferson is a 15” 3034 pipe installed pursuant to a local improvement district project in 2008. Silverton Public Works Design Standards require that Mainline sewers “shall be designed for the ultimate development of the tributary area. Consideration shall be given to the maximum anticipated capacity of institutions,

industrial parks, commercial establishments, etc.” *Section 4.1a1*. Using City design standards of 100 gallons discharge per residence per day, indicates that the 15” sewer mainline can service approximately 5,250 residences at a design condition of not less than 4 times the design peak sanitary flow. The current burden on this line is 8 homes and 2 small commercial buildings. Based on average fixture units, the current line is being used at less than 1% of its capacity. The conceptual project in this application would impose a deminimis additional burden. Additionally, the subject property is encumbered by an LID assessment lien for the 2008 sewer line extension in Jefferson Street of \$23,897.00. This lien would be paid to the City upon connection with the City sewer. The existence of this lien, demonstrates that the sewer line was intended and designed to serve the subject property.

The existing storm line in Jefferson Street is 12” and serves a very small area, currently just the impervious surface of the street and 3 existing homes on the West side of the highway. Assuming 50% impervious surface area for the conceptual 24-unit apartment design, peak flow rate for a 25-year storm event would produce flows of only .21 cubic feet per second. The existing 12” storm main has a flow capacity of over 1 cubic foot per second. The current peak demand flow on this line is less than .5 CFS, indicating ample capacity available to supply the conceptual development. Further, the subject property has adequate space to provide onsite storm detention to reduce peak flows further if required. A storm detention pond based on current design standards would require a detention pond of less than 1,000 sq. feet.

With regard to public streets, the property abuts Jefferson Street close to its intersection with State highway 214. A single new driveway onto Jefferson Street, constructed in accordance with City public works design standards, would be installed to service the new residences. Local traffic would suffer minimal impact from the conceptual development. No new streets would be needed in connection with the development of the subject property to meet the City’s transportation needs. Upon future development, the developer would be required to improve Jefferson Street along the subject property’s frontage including widening, curb and sidewalk installation.

The Silver Falls School Districts has significant unused capacity in its local schools. Recent enrollment declines of around 8% from highs experience prior to the covid pandemic, along with preexisting excess capacity, has caused the District significant financial challenges. The average household size in Silverton, according to the 2020 housing needs analysis, is 2.75 persons and only 29% of those households have children residing in them. Using these figures, developing the subject property with 25-residential units, would potentially increase school enrollment by approximately 20-students. Having more students enrolled would be a benefit to the school district.

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

Response: If annexed into the city as medium density multifamily, then the maximum development potential for the subject property is 25 residential units. The average household size in Silverton, according to the 2020 housing needs analysis, is 2.75 persons and only 29% of those households have children residing in them. While these new units would place a demand on the existing facilities, such demands as shown in Response No. 1, are de minimis and easily accommodated by existing facilities. Furthermore, each unit will pay system development charges and school district construction excise taxes to pay for the future expansion of City systems caused by their impacts. These fees are regularly evaluated and increased to ensure that development pays for its proportionate impact. As such, the development of the subject property will provide a net benefit to the City by increasing housing availability and affordability with only minimal impact to existing facilities.

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

Response: No additional public facilities, other than road frontage improvements, sidewalks and street trees will be required to meet increased demand.

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

Response: This criteria is not relevant as no additional facilities will be required.

5. *Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced; and*

Response: Although the development concept is only conceptual at this time and subject to change when an actual development application would be required, any multifamily development on the subject property would be required to meet all the requirements detailed in the Silverton Municipal Code. These requirements and standards address parking, traffic flow, density, siting, design, building layout and orientation, open space, architectural and aesthetic design, landscaping and buffering, etc. All of these standards are intended to ensure that the development meets community expectations and standards to enhance the local community. Moreover, according to the zoning code, multifamily zoning should be located as a transition between the residential zone and commercial zones. Under this standard, the subject property is ideally located with property lines adjacent to residential zones and commercial zones.

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

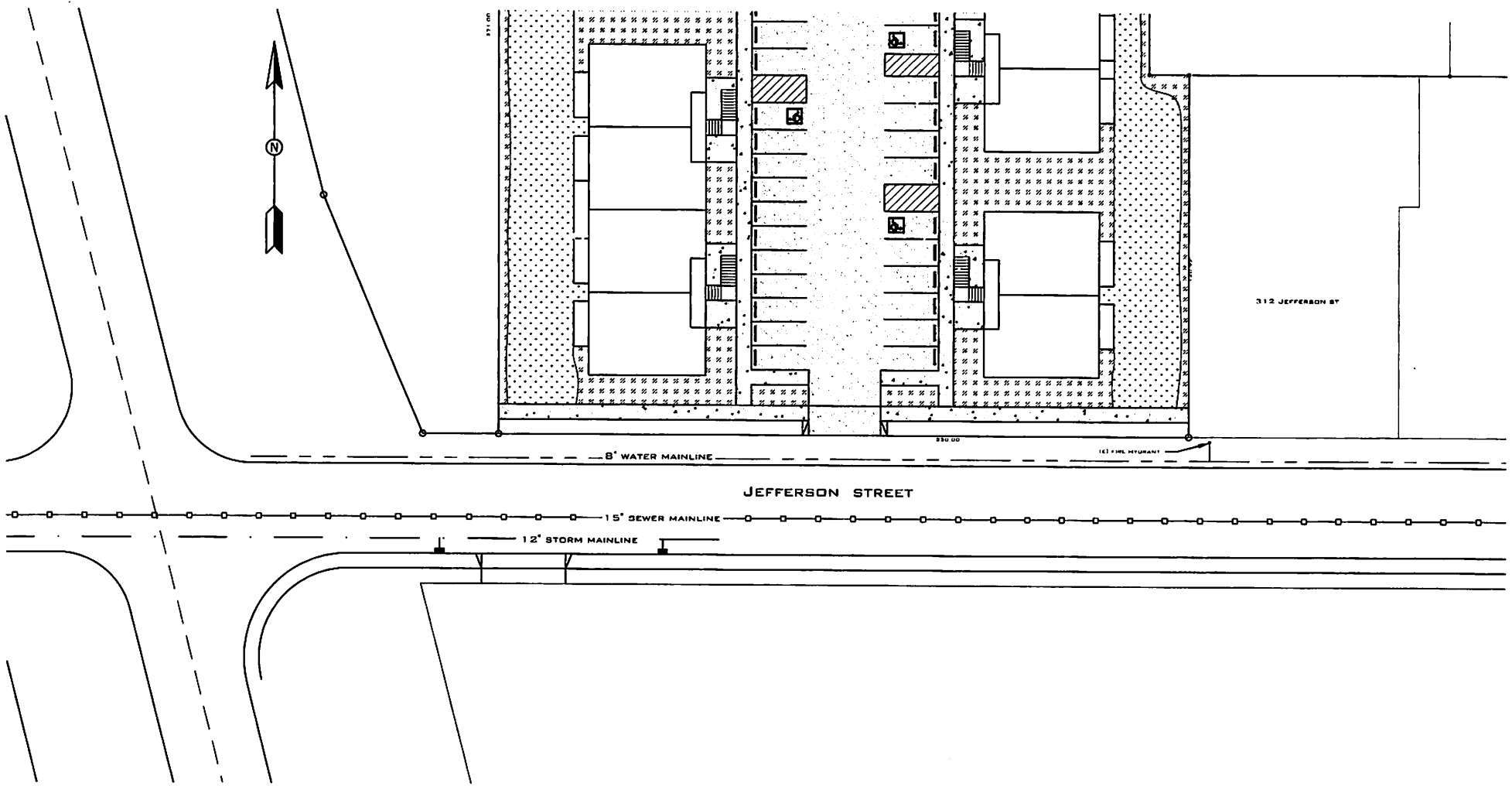
Response: Aesthetic and physical concerns associated with multifamily development are mitigated or resolved by current code requirements as described above. With respect to social effects, multifamily residents come from all walks of life and live and contribute to the local community in the same ways that residents of single-family homes do. The subject property is relatively small with a maximum capacity of only 25 residential units. A project of this size, designed and constructed in accordance with City code as has previously been described, will have no negative impacts on the local neighborhood. Arguably traffic concerns may arise, but in the location of the subject property, nearly all traffic will immediately be routed onto highway 214 and not cause any local traffic congestion.

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

Response: This annexation application is submitted concurrently with a zone change application.

Respectfully,

Owen Von Flue



OWEN & JILL VON FLUE
 P.O. Box 800, SILVERTON, OR, 97381
 503-932-7698 VONFLUELAW@HOTMAIL.COM

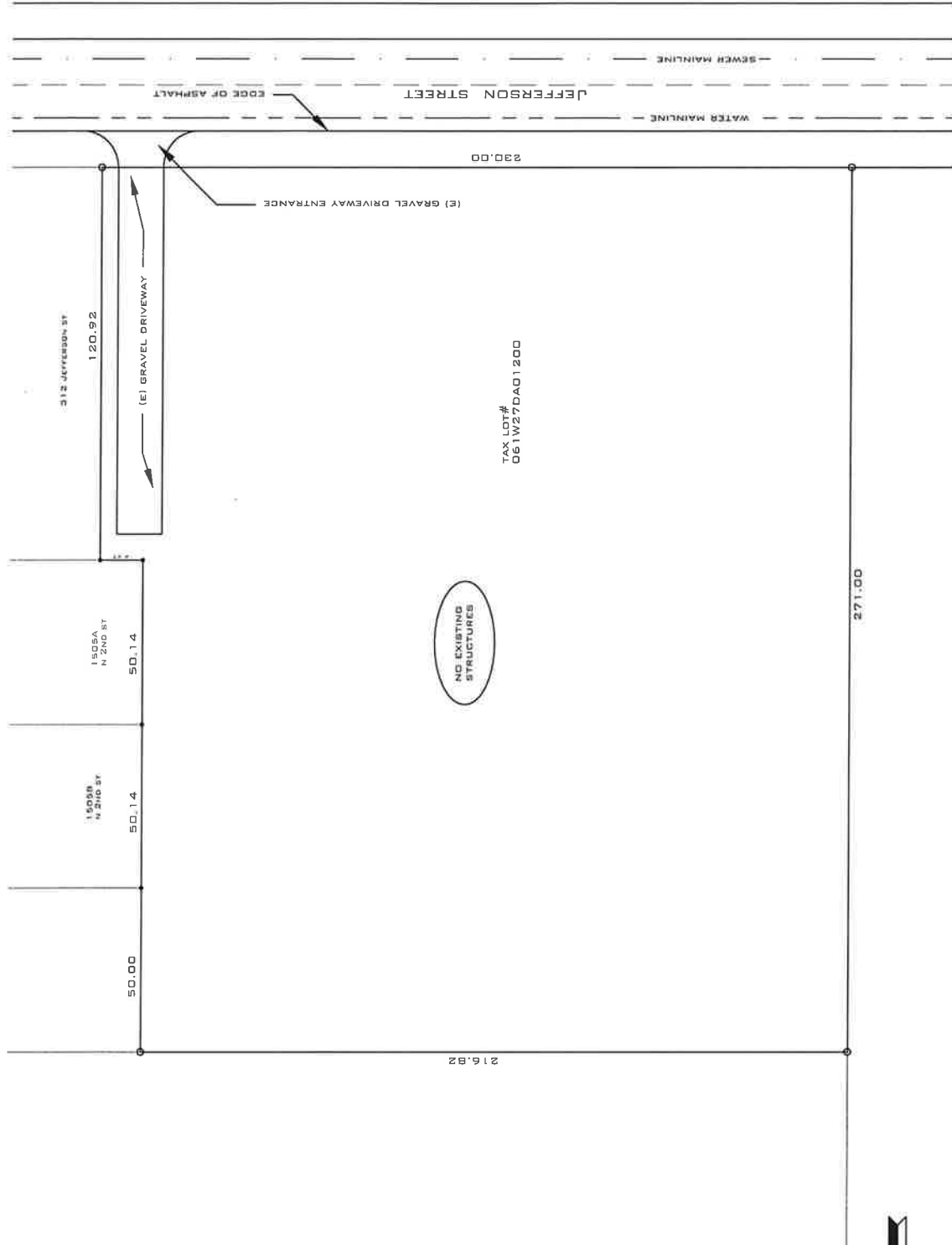
EXISTING STREET UTILITIES EXHIBIT

SCALE: 1/32" = 1'-0"

09/12/23

PROJECT ADDRESS:
 JEFFERSON ST
 SILVERTON, OR, 97381
 TAX LOT # 061W27DA01200

A 1



TAX LOT#
061W27DA01200

NO EXISTING
STRUCTURES



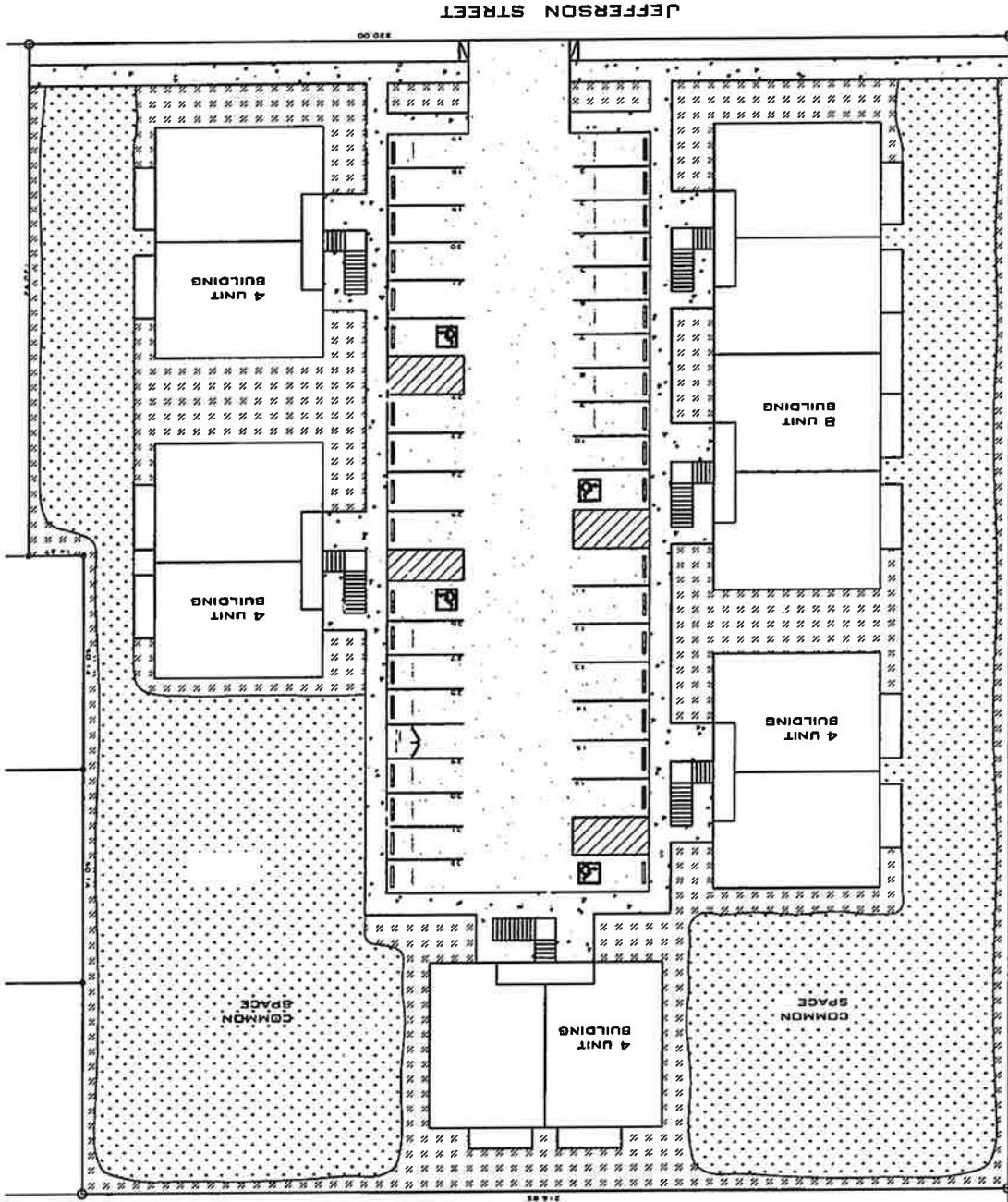
A1

PROJECT ADDRESS:
308 JEFFERSON ST
SILVERTON, OR, 97381
TAX #061W27DA01200

07/01/24

EXISTING SITE PLAN
SCALE: 1/32" = 1'-0"

NOBLE BUILT HOMES
P.O. BOX 571, SILVERTON, OR, 97381
503-932-7698 VONFLUELA@HOTMAIL.COM



A1

PROJECT ADDRESS:
 308 JEFFERSON ST
 SILVERTON, OR, 97381

DATE: 07/01/24

OVERALL SITE PLAN
SCALE: NTS

NOBLE BUILT HOMES
 P.O. BOX 571, SILVERTON, OR, 97381
 503-932-7698 VONFLUELAN@HOTMAIL.COM

National Flood Hazard Layer FIRMette

122°47'29"W 45°1'20"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/19/2024 at 6:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

ATTACHMENT C: STAFF REPORT, AN-24-01 & CP-24-03

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on August 22, 2024 requesting a Comprehensive Plan Amendment to change the Comprehensive Plan Designation from Single-Family Residential to Multi-Family Residential with a concurrent Annexation application to annex Marion County Assessor's Map 061W27DA Tax Lot 01200 into the City limits and zone the property RM-10, Multi-Family Residential. The total area of the annexation request is 1.25 acres which would allow the property to develop between 12 and 25 dwelling units on site.
2. Notice was mailed to all property owners within 700 feet of the subject area on September 18, 2023. The notice was published in the Statesman Journal on September 25, 2024. The site posted on September 27, 2024.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500

Type IV Procedure

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on August 22, 2024. A public notice for this request was mailed to all property owners within 700 feet of the site on September 18, 2024. The notice was published in the Statesman Journal on September 25, 2024. The site posted on September 27, 2024. The application will be before the Planning Commission on October 8, 2024 and will be before the City Council for review.

Unless mandated by state law, annexation, delayed annexations, and/or extension of city services may only be approved by a majority vote among the electorate. On March 15, 2016, the State enacted SB 1573 that states that the legislative body of a city shall annex a territory petitioning annexation without submitting the proposal to the electors of the city if the territory is within the Urban Growth Boundary, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city limits and the proposal conforms to all other requirements of the city's ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation. This staff report will review the proposal for conformity with all other requirements of the city's ordinances.

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

Findings: The property is 1.25 acres in size and is designated Single Family Residential on the Comprehensive Plan and is zoned RS, Single Family Residential. The site is undeveloped with frontage on Jefferson Street, a local collector roadway under City of Silverton jurisdiction. The surrounding zoning of the site includes General Commercial to the west, Single Family to the north and east, and Industrial Park to the south. RM-10 zoned land exists within 500' to the northeast of the site. The comprehensive map pattern is a mixture of Single-Family residential, Multi-Family, Industrial and Commercial.

The applicant is requesting an Annexation with a concurrent Comprehensive Plan Amendment to designate the property Multiple-Family. This would allow the property to develop between 12 and 25 dwelling units on site.

The goal of the Urbanization element of the Comprehensive Plan (Comp Plan) is to “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.” A Multiple-Family Development Policy within Urbanization calls for multiple-family developments to be scattered around the community and not concentrated within any one particular area. In addition, small developments which fit in the existing neighborhood are preferred. The subject property is small in size and located at the edge of an existing neighborhood on a Collector Street near an Arterial Roadway.

The 2019 Housing Needs Analysis (HNA) estimates that the City has a 381-acre surplus of single-family buildable land that can accommodate 1,409 dwelling units. The property is currently designated as single-family residential in the comprehensive plan. The property contains 1.25 acres which would accommodate a maximum of 14 dwellings. Given the large surplus of land designated for Single Family development, a change from Single Family to Multi-Family will not impact the single-family residential supply for the City.

The Goal of the Housing element to “Meet the projected housing needs of citizens in the Silverton area.” The Objectives of the Housing Element are to, Encourage a “small town” environment; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes. The property is directly adjacent to existing public facilities and will allow the development of multi-family dwelling units, which are an identified need per the HNA. There is no existing developable land zoned RM-10 currently in the City Limits.

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

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

Findings: The site is not located in an area plan adopted by the City Council. The criterion is not applicable.

- 3. The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.*

Findings: The site has land zoned General Commercial to the west, single family to the north and east, and industrial park to the south. RM-10 zoned land exists within 500' to the northeast of the site. The comprehensive map pattern is a mixture of Single-Family residential, Multi-Family, Industrial and Commercial.

The 1.25 acre site is currently zoned Single-Family which would realistically allow approximately 8 units to be developed with a trip generation of 8 PM Peak Hour Trips. The theoretical maximum development capacity of the site based on gross acreage is 14 dwellings. A Multi-Family development on the site would allow up to 25 dwelling units with a trip generation of 15.5 PM Peak Hour Trips, an increase of 7.5 PM Peak Hour Trips.

The property is adjacent to Jefferson Street, a local collector under the City of Silverton Jurisdiction. It is anticipated most residences from the subject site will turn on either N 1st Street (a state arterial) or N 2nd Street (a local collector) when traveling. These streets are not low volume local streets, and they can accommodate the additional traffic load. There is not anticipated to be any significant negative impact on the area resulting from the change. The criterion is met.

- 4. An identified public need will be met by the proposed change that is not already met by other available property.*

Findings: The 2019 Housing Needs Analysis estimates that the City needs a multi-family increase of 17 acres of buildable land to accommodate 304 dwelling units. The property is currently designated as single family residential in the comprehensive plan. The property would be zoned RM-10, Multiple Family Residential. There are no developable lots in Silverton currently zoned RM-10. The property contains 1.25 acres which would accommodate a maximum of 25 dwellings.

- 5. The requested designation is consistent with the statewide planning goals*

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

Section 4.10.140

Review Criteria – Annexation

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

1. Adequacy of access to the site; and

Findings: The site is located on the north side of Jefferson Street between North 1st Street and North 2nd Street. Jefferson Street is a Local Collector Roadway under the City of Silverton’s jurisdiction. The site has 230 feet of frontage along Jefferson Street and the site has adequate access along the street to develop in accordance with the Silverton Development Code and Transportation System Plan. The site is 1.25 acres in size and is proposed to be zoned RM-10. The RM-10 zoning district has a density range of 10-20 dwellings per acre. This creates a density range from 12 – 25 dwelling units allowed on the site. Criterion 1 is met.

2. Conformity of the proposal with the City’s Comprehensive Plan; and;

Findings: The parcel to be annexed is located within the UGB and is designated Single Family. The applicant has submitted a Comprehensive Plan amendment application to designate the property Multi-Family Residential, which if approved concurrently with the annexation will allow the zoning of the site to be RM-10, Multiple Family Residential. The purpose of the annexation is for the site to develop multi-family units. A Design Review application would have to be submitted for review by City staff for conformance with Development Code standards prior to any develop occurring on the site.

The Goal of the Urbanization Element of the Comprehensive Plan is to, “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.” And has Objectives to, Maintain a supply of buildable residential, commercial and industrial land within the City’s UGB as allowed by state law; Continue to work with Marion County to manage land development between the city limits and UGB; and Consistently apply and enforce the City’ development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.

The Goal of the Air, Water and Land Resources Quality seeks to “Maintain and improve the quality of the area’s air, water, and land resources.” The area proposed for annexation is undeveloped. Any development of the site would require connection to the City’s water and sanitary sewer facilities. As such, this annexation and subsequent connection to the City’s water system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

A Goal of the Transportation Element is to “Provide a safe, convenient, aesthetic and economical transportation system.” Any development of the site will be required to meet transportation, access and circulations, and roadway standards.

The Goal of the Housing element to “Meet the projected housing needs of citizens in the Silverton area.” The Objectives of the Housing Element are to, Encourage a “small town” environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing

types necessary to meet the needs of different family sizes and incomes. The proposed annexation is directly adjacent to existing public facilities. Encouraging a “small town” environment is an ambiguous statement that can be interpreted by the Planning Commission and City Council.

The requested annexation will be consistent with the goals and policies of the Economy element of the Comprehensive Plan. This element largely speaks to encouraging the diversification of the local economy and the proposed annexation of the development of multi-family homes will not have an impact upon this element.

With the public hearing held before the Planning Commission and City Council the requested annexation will satisfy the goal and policies of the Citizen Involvement element of the Comprehensive Plan. The purpose of the public hearing is to solicit and involve the public in the decision making process. The public hearing was published, posted, and notices were mailed in accordance with all requirements.

The Goal of the Public Facilities and Services Elements of the Comprehensive Plan is to “Provide orderly and efficient public facilities and services to adequately meet the needs of Silverton residents.” The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site.

The site is a small parcel, 1.25 acres, that is located on a collector roadway near an arterial roadway that is near a commercial center that will satisfy a portion of the need for additional multi-family units in a way that is not concentrating them in one particular area.

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

Findings: The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site. A standard 8” water main fronts the site on Jefferson Street and a 10” water main exists on North 2nd Street and a fire flow test will be required. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve a proposed development.

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

Findings: The water system, sanitary sewer system, storm water system and transportation network exist adjacent to the site. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve a proposed development. Therefore Criterion 4 is met.

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

Findings: The area is contiguous to the City. The site abuts the City Limits along the western, eastern and southern property lines, the annexation represents a logical direction for city expansion, meeting Criterion 5.

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

Findings: The area considered for annexation is inside the Urban Growth Boundary. The criterion is met.

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

Findings: The proposed area is designated Single Family on the Comprehensive Plan Map and a Comprehensive Plan amendment application has been submitted change the designation to Multi-Family to allow it to be zoned R-10, Multiple Family Residential. A concurrent annexation application has been submitted and the land would be able to be developed with Multi-Family dwellings.

8. *The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and*

Findings: The proposed annexation has been reviewed for conformity with the city's comprehensive plan earlier in the report.

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

Findings: ORS 222 provides for a means of annexation by election or by action of the governing body. However, as noted above the City is no longer allowed to submit proposals for annexation to the electors of the city for their approval or rejection.

The proposal is following the Type IV procedure, consistent with ORS 222 for annexation procedures.

This application has been found to be in compliance with the applicable sections of ORS Chapter 222 and will follow all applicable state and local procedures. Therefore, this criterion has been met.

10. *Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and*

Findings: There are no wetlands on the site and the site is not located within the floodplain. The site is very flat. Natural hazards of the site have been addressed. The criterion is met.

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

Findings: There are no areas on the site identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas. The criterion is met.

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

Findings: The annexation will add additional developable land to the City Limits. This will add approximately 25 more dwellings to the tax rolls. After development, this will add approximately 3,000,000 of assessed value and 5,000,000 of real market value, equating to overall annual taxes of \$49,890. The median household income in Silverton is \$75,167, representing an additional \$1,879,175 in household income within the City. This will create a population increase of approximately 66 people. The development will increase the impact to the water, sewer, transportation, storm sewer and parks system. As such, System Development Charges will be applicable to each new dwelling. In total, a new apartment pays \$13,000 in SDC's for their impact on public facilities. Twenty-five additional dwellings will pay between approximately \$272,000 and \$345,000 in total SDC's. There is a Silver Falls School District excise tax on new homes in Silverton that is \$1 per square foot of living area, which will generate an additional \$25,000 for the school district. These numbers are based on the City's average household numbers.

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

Findings: The most recent adopted Comprehensive Plan amendments indicate a need of 1,158 new dwelling units over a 20-year period with an annual growth rate of 1.26%. The Housing Needs Analysis then indicates a need for 753 Single-Family residential, 81 Single-Family attached, 151 duplex/triplex/quadplex, and 174 Multi-Family units. The 5 year needed supply of vacant and redevelopable residential land is 290 lots and the 8 year needed supply is 463 lots based on a linear relationship to the 20 year future need.

The current amount of shovel ready Single-Family residential lots in Silverton is 83 and the amount of redevelopable land in the city limits amounts to 468 lots for a total supply of 551, with all land zoned R-1. While this is above the 8 year supply which is considered untimely to add residential land, additional analysis follows looking at the breakdown of future need based on dwelling types.

The overall residential need over the 20 year planning period is 1,158 new dwellings units compared to the City's 551 lot capacity within the existing City Limits. The demand for Single-Family residential is 834 units compared to the 551 lot capacity within the City Limits zoned R-1 and R-5. The demand for Multi-Family is 304 units compared to 0 available lots zoned RM-10 and RM-20. The Housing Needs Analysis does state a demand of 151 for duplex, triplex and quadplex but this category does not fit into the Single-Family or Multi-Family classification as duplexes are allowed in Single-Family but triplexes and quadplexes are not.

The 2019 Housing Needs Analysis determined that Silverton has a deficit of land in the Multi-Family Plan Designation, about 17 gross acres to accommodate 304 dwelling units. The city can address the shortage by either annexation or rezoning existing Multi-Family or Single-Family plan designation to densities consistent with the RM-10 and RM-20 zone. Currently, all available buildable land in the Multi-Family plan designation is zoned at densities consistent with the Single-Family plan designation (R-1 and R-5 zones).

Per the criterion, the annexation of residential land may be untimely because of the current supply of vacant and redevelopable land as the criterion does not differentiate between Single-Family and Multi-Family. However, the 2019 Housing Needs Analysis does make a differentiation and identifies a need for Multi-Family land. Silverton does not have an existing supply of developable Multi-Family land and the annexation would provide the opportunity for a maximum of 25 units.

The Housing Needs Analysis also determined that Multi-Family developments need to be scattered around the community and not concentrated within any one particular area. In addition, small developments which fit in the existing neighborhood are preferred. The subject property is 1.25 acres with a potential of 25 dwelling units and located at the edge of an existing neighborhood. This coincides with goals of the comprehensive plan. There are two developable lots between the size of 1 and 2 acres within the city limits and one of them has potential wetland constraints.

The annexation is small in scale and is in an area that is nearly surrounded by the city limits. This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not. If there is evidence in the record that could support approval and evidence that could support denial, and where the review criteria are subjective, the Planning Commission gets to decide which evidence they find more persuasive. The approval or denial will stand as long as a reasonable trier of fact could believe the evidence relied.

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

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

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

Findings: The annexation will allow a property that fronts existing City utilities to be annexed and developed in accordance with Silverton Development Code standards.

The site is a small parcel, 1.25 acres, that is located on a collector roadway near an arterial roadway that is near a commercial center that will satisfy a portion of the need for additional multi-family units in a way that is not concentrating them in one particular area.

This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not.

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed comprehensive plan amendment and annexation may meet applicable Silverton Development Code Review Criteria and Standards.

The Planning Commission is required to hold a public hearing to evaluate the proposed comprehensive plan amendment and annexation.

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

Once the City Council receives Planning Commission's recommendation on the comprehensive plan amendment and annexation, the Council will review the findings and the recommendation in a public hearing.

Planning Commission Options:

1. Recommend to the City Council the APPROVAL of the proposed comprehensive plan amendment and annexation as it meets the review criteria.
2. Recommend to the City Council the DENIAL of the proposed comprehensive plan amendment and annexation as it does not meet the review criteria.
3. Recommend to the City Council a MODIFICATION of the proposed comprehensive plan amendment and annexation so that it meets the review criteria.

ATTACHMENT D: TESTIMONY

Single family residential to multi-family residential / North side of Jefferson Street.

Dear City Planner:

I am in receipt of the above-mentioned public notice as I live at 408 Washington Street.

First, I have a few minor critiques about the map that was sent. Second street is not marked on the map, nor is Washington Street, nor Highway 214, and the names may have been cut off during printing. Nonetheless, it's clear where the property development is to occur.

The development of this property of course is a plus for the developer and city; however, with possibly between 12-25 dwelling units to be developed, and with today's trend of families having up to two vehicles per household, you are looking at an increase of area traffic of up to 50 more vehicles (maybe less; maybe more). I didn't see increased traffic for the area specifically addressed in the Criteria for Approval on the notice, or whether or not that is a concern.

The city does realize that across Jefferson Street from the proposed development site and across Highway 214, as well as on Second Street there are areas zoned as commercial and/or industrial based on the businesses located there? And so, the city continues with the zoning mix, which I don't think is the best living situation for residents within these mixed zones, nor is it a pleasant look or pleasant experience for residents and for the city of Silverton.

While I understand the increasing need for multifamily residential housing, it is disheartening if the designation from single family residential to multi-family residential becomes the standard for Silverton across the board.

I'm sure unless the development causes some type of destruction of nature or there is a structural obstruction that prevents the development of the site, the site will be developed regardless of any public issues raised.

Regards,

V. Galleguillos
408 Washington St
Silverton, OR



City of Silverton
Community Development
410 North Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: CP-24-04 & ZC-24-02

LAND USE DISTRICT:

R-1, SINGLE FAMILY RESIDENTIAL

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 061W35BC

LOT #: 03100

SITE SIZE: .1 ACRES

ADDRESS: 209 MILL STREET

APPLICANT:

SAMUEL HEINZMAN

209 MILL STREET

SILVERTON, OR 97381

APPLICANT'S REPRESENTATIVE:

Toyer Strategic Advisors, Inc.

3705 Colby Ave., Ste. 1

Everett, WA 98201

CONTACT PERSON:

David Toyer/Peter Condyles

425-322-5226

OWNER:

SAMUEL HEINZMAN

209 MILL STREET

SILVERTON, OR 97381

LOCATION: LOCATED ON THE WEST SIDE OF
MILL STREET BETWEEN OAK STREET AND B
STREET.

PROPOSED DEVELOPMENT ACTION: COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE DESIGNATION OF 209 MILL STREET (MARION COUNTY ASSESSOR'S MAP 061W35BC03100) FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL WITH A CONCURRENT ZONE CHANGE TO ZONE THE PROPERTY DOWNTOWN COMMERCIAL FRINGE (DCF). THE PROPERTY HAS BEEN HISTORICALLY UTILIZED FOR COMMERCIAL PURPOSES AND OPERATED AS A NON-CONFORMING USE. THE APPLICANT INTENDS TO USE THE STRUCTURE AS A RECORDING STUDIO.

DATE: OCTOBER 1, 2024

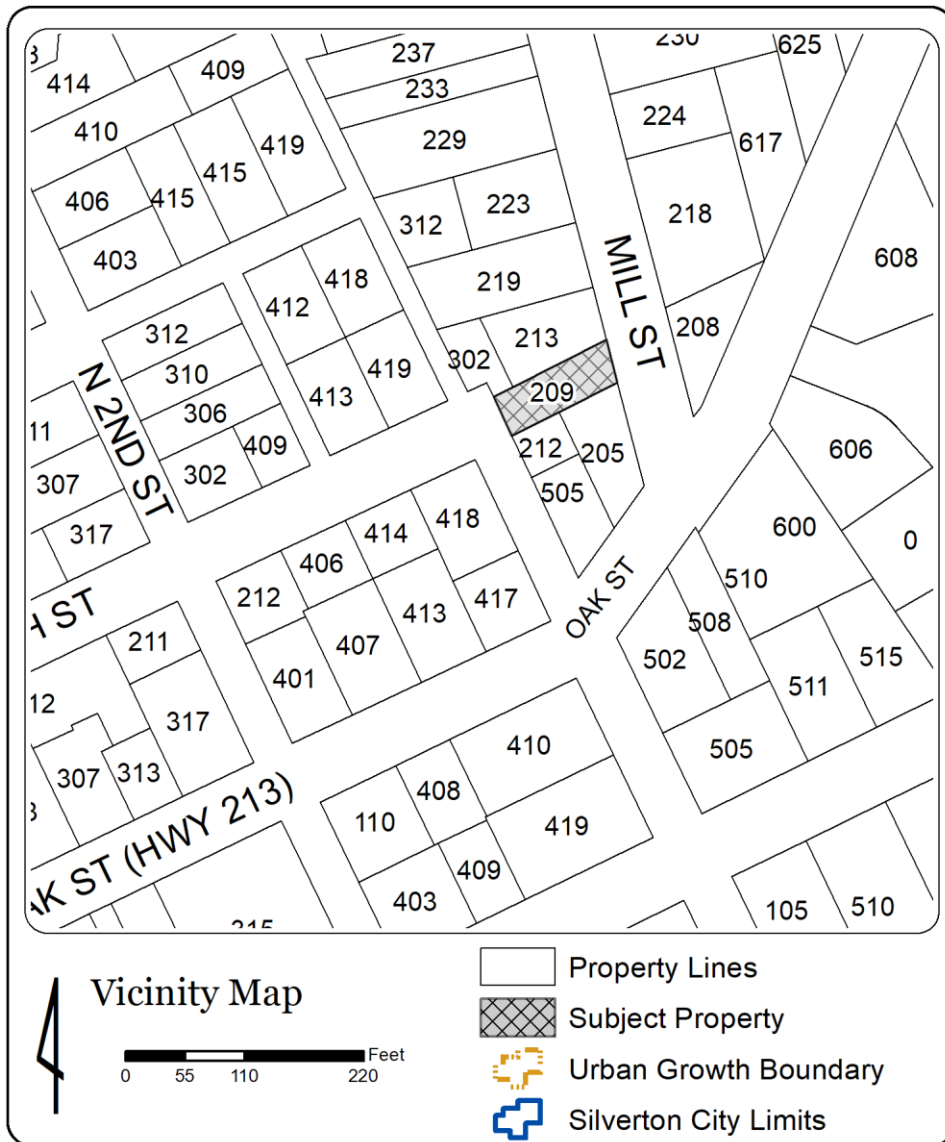
- Attachments
- A. Vicinity Map and Review Criteria
 - B. Applicant's Narrative
 - C. Staff Report
 - D. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: CP-24-04 & ZC-24-02

Vicinity Map and Surrounding Land Use Districts

- North – R-1 (Single Family Residential)
- East – R-1 (Single Family Residential)
- South – R-1 (Single Family Residential)
- West – DCF (Downtown Commercial Fringe)



REVIEW CRITERIA: 4.12.400. Amendments to the Comprehensive Plan will be approved if the council finds that the applicant has shown that the following applicable criteria are met

The requested designation for a quasi-judicial map amendment meets all of the following tests:

1. The requested designation for the site has been evaluated against relevant comprehensive plan policies and on balance has been found to be more supportive of the comprehensive plan as a whole than the old designation.
2. The requested designation is consistent with any relevant area plans adopted by the city council.
3. The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.
4. An identified public need will be met by the proposed change that is not already met by other available property.
5. The requested designation is consistent with the statewide planning goals.

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

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

ATTACHMENT B: APPLICANT'S NARRATIVE



August 28, 2024

City of Silverton
 Planning Division
 Mr. Jason Gottgetreu, Community Development Director
 410 N Water Street
 Silverton, OR 97381

THE MAJESTIC LAND USE REDESIGNATION & REZONE

Dear Mr. Gottgetreu:

On behalf of our client, Samuel Heinzman (the “Applicant”), we respectfully submit this narrative and analysis in support of a land use redesignation *from single family to commercial* and site-specific rezone *from single family to downtown commercial fringe* for 0.10 acres located at 209 Mill Street – widely known locally as The Majestic.

General History of The Majestic

The Majestic was built in the 1920s by the Knights of Pythias who moved to the building in 1924 from the commercial building next to Odd Fellows Hall. The Majestic became the new home for their fraternal organization as well as a meeting location for other organizations. It later was purchased by the Veterans of Foreign Wars before being purchased by the Wallaces who transformed it into The Majestic – a social venue for dances, weddings, and other events. After the Wallaces sold the space to J. Stone Cards, Inc. in 1999, it became an artisan maker’s space and retail location for J. Stone Cards – a producer of hand painted watercolor postcards. The building was not built as a single family residence and its unique architectural reflects its historic non-residential use for social, civic, and commercial purposes.

Prior Owners & Uses at The Majestic

The following outlines the prior owners and uses of The Majestic (from newest to oldest):

Owner	Acquired	Sold	Known Use
Samuel Heinzman	January 2020		Temporary Residence
J. Stone Cards, Inc	August 1999	January 2020	Artisan producer of hand painted watercolor postcards
Lynn & Bettyjean Wallace	June 1989	August 1999	‘Majestic Rose’ rental hall for weddings, events/gatherings, etc. ⁱ
Veterans of Foreign Wars	Unknown	June 1989	Service organization and civic hall/venue
Knights of Pythias	1924	Unknown	Fraternal/social/civic hall for multiple organizations

Background and Overview of the Proposal

The Applicant is a local musician who purchased The Majestic in January 2020 with the intent of turning it into a home consistent with its single family zoning with an associated recording studio that would serve area musicians. Unfortunately, the age of the building and the building’s current Business (Type B) occupancy would require the Applicant to make significant and cost-prohibitive improvements to the building to obtain a Residential (Type R) occupancy. It is clear from the historic uses of the site that it was not constructed to be a residence and its highly probable the site has never been approved for a residential occupancy.

And because the building cannot reasonably be occupied as a residence, the existing single family zone limits Applicant’s ability to use a portion of the structure as a business since only home occupations are permitted in the zone. Even if it were viable for the Applicant to make improvements to a portion of the building for a residence, the regulations for home occupations would not support the Applicant’s intended business use as a recording studio in part due to the need for at least one outside employee to operate the studio. A recording studio would be allowed under the building’s existing B occupancy.

Because of these challenges, the Applicant now seeks a rezone to Downtown Commercial Fringe (an act which requires a concurrent amendment to the future land use designation). The proposed redesignation and rezone would permit the Applicant’s intended commercial use and would fit within an occupancy classification that would not require cost-prohibitive improvements to the structure. Many other commercial uses would not be viable in this location as such uses would have occupancy classifications that would trigger cost-prohibitive improvements to the structure.

Land Use Redesignation & Rezone Objectives

In effecting this rezone, our client seeks to achieve the following short and long-term objectives:

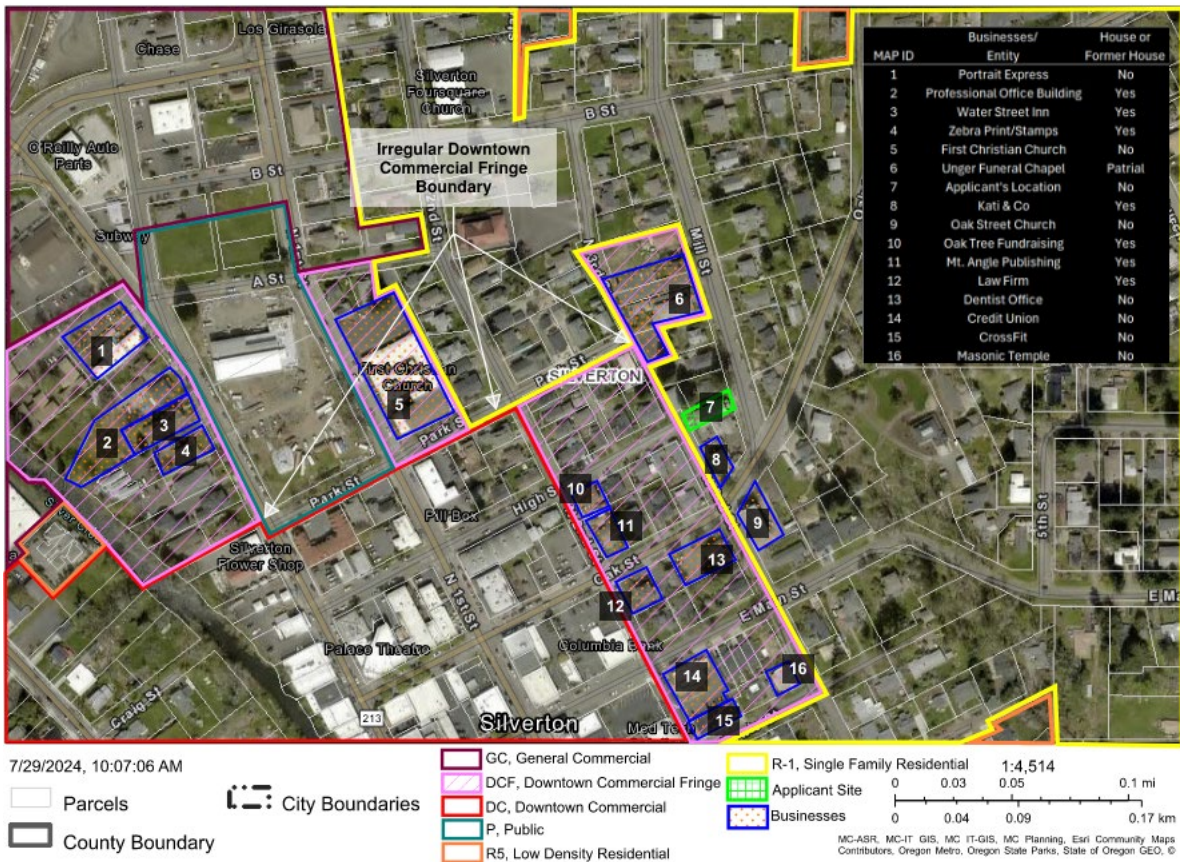
1. Align the land use designation and zoning to be consistent with the historic use of the site and adjacent uses, including similar commercial buildings within the Downtown Commercial Fringe zone.
2. Resolve an existing conflict between the zoned use of the site and residential building occupancy limitations attributable to the building’s type and age.
3. Secure zoning to allow the building to accommodate limited commercial use, specifically a recording studio.
4. Retain the nostalgia of a recognizable downtown property that is part of the history of Silverton.

Location & Adjacent Uses

Applicant’s site is located within downtown Silverton as shown on Figures 5.1 (Existing Land Use) and 5.2 (Current Zoning) of the 2007 Downtown Master Plan. This plan identifies the Applicant’s parcel as having an existing “Civic” land use in Figure 5.1 (page 29) with current “single family” zoning (page 31) despite being owned by J. Stone Cards and operated as a business at that time. The Applicant’s parcel is located one block east of the historic downtown core and it abuts the “transition” zone shown in Figure 6.3 (page 36) described as the downtown commercial fringe.

The map below (a copy of which is attached as Exhibit A) identifies the Applicant’s site (in green) in relationship to the irregular boundary of the Downtown Commercial Fringe zone, as well as other locations of businesses in the area (a few of which are home occupations). The Majestic would not be the first parcel on Mill Street zoned Downtown Commercial Fringe, nor create any more irregular of a boundary for this zoning district.

CURRENT ZONING & BUSINESSES



General Information

Taxlot:	061W35BC03100
County Tax Classification:	Commercial (Improved), Class 557 Amusement/Recreational
Subdivision Description:	SILVERTON TOWNPLAT (NORTH AND SOUTH OF MAIN THE LOT #'S START WITH #1) LOT 1
Site Address:	209 Mill Street
Acreage:	0.10 acres
Building Sq. Ft. (gross):	6,035
Existing Land Use:	Single Family
<i>Proposed:</i>	Commercial
Existing Zone:	Single Family
<i>Proposed:</i>	Downtown Commercial Fringe
Use (Current):	Temporary Living Quarters for the Applicant
<i>Most Recent:</i>	Artisan Manufacturer (hand painted watercolor cards)
<i>Proposed:</i>	Professional Recording Studio
Current Occupancy:	Type B, Business Occupancy per OBC
Access:	Existing access to the building located off N 3 rd Street and Mill Street.
Transit:	The subject property is located approximately 1,370 feet walking distance (¼ miles) from transit stops at 1 st and Lewis. Service is provided by Cherriots Regional Transit and Route 20x. ⁱⁱ
Parking:	<p>Presently the site has no existing, designated off-street parking stalls, relying entirely on on-street parking along Mill Street. The prior business that operated on the site had nine (9) employees and no designated off-street parking.</p> <p>The conceptual site plan shows the establishment of two off-street parking stalls added in the rear of the building off N 3rd Street and on-street parking will continue to be available along Mill Street.</p> <p>Commercial and residential demand for on-street parking is likely to be off-set based on the time of day of the commercial business' operations and the time of day for maximum occupancy of a residence.</p>
Traffic:	The Applicant's intended use of the building as a recording studio would be responsible for traffic associated with himself and 1-2 employees, as well as customers for recording sessions. Recording sessions are likely to involve between 1 and approx. 7 people. Often these customers travel together for their sessions.
Utilities:	<p>Figure 1 (next page) highlights usage data from Table 2-4 in Silverton's 2020 Water Master Planⁱⁱⁱ for the most likely uses under the current zone, as well as for a typical commercial use in the proposed zoned. For the residential assumptions, the per capita figure is calculated using the 'average annual consumption' figure from Table 2-4 in combination with the average persons per household (2.75) figure from page 45 of the City's Housing Needs Report.^{iv}</p> <p>Although the Applicant anticipates far fewer employees, we conservatively used the U.S. Energy Information Administration September 2022 revised data for office space energy consumption which suggests businesses have on average 502 square feet per worker.^v</p>

Figure 1

	Single Family Zone (current)		Downtown Commercial Fringe (proposed)
	Single Family	Duplex	General Office
Avg Gallons Per Capita Per Day	63	63	17
Total Usages Estimated in gallons per day	173	347	204

Critical Areas: There are no critical areas on the site.

Topography: The site is flat.

Comprehensive Plan Amendment Narrative

The Silverton Development Code (SDC) at 4.12.400(A) through (D) establishes review criteria for comprehensive plan amendments. These criteria are also listed as required as part of the Narrative section of the Comprehensive Plan Amendment Application Form. However, on the Application they appear numbered and lettered differently than in the code. To eliminate potential confusion, the foregoing analysis acknowledges how each identifies the criteria.

*Formatting note: the review criteria that must be analyzed and all relevant city/state policies, plans and goals, are shown in standard text, while the Applicant’s analysis of the criteria’s satisfaction is addressed in *blue text*.

SDC 4.12.400 reference	Application Narrative Reference	Criterion / Applicant Analysis
A	1	<p>A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.</p> <p style="text-align: center;"><u>Silverton Comprehensive Plan</u></p> <p>Economy Goal 1: Diversify and improve the economy of Silverton <i>The Applicant’s proposal would allow for the growth and incubation of a small business in the creative services sector, which sector is identified in the City’s Economic Opportunity Analysis as being a sector that provides family wage jobs. Further, creative services are identified in City plans as supporting tourism and other local economic opportunities. The Majestic has historically been the home for civic groups and private businesses that contribute social, cultural and economic value to the city. Because the type of business has a relationship to the local creative/artistic community, tourism economy, and more, the proposal directly addresses diversification and strengthening of the local economy. The proposed redesignation and rezone would support the use of the building consistent with its past uses in a manner that is compatible with the adjacent downtown and residential neighborhoods.</i></p> <p>Economy Objective 4: Minimize high noise levels, heavy traffic volumes, and other undesirable effects of heavy commercial and industrial developments. <i>The Applicant’s proposal does not qualify as a heavy commercial or industrial development. However, a reasonable party is likely to question whether there is potential for a recording studio to be a source of high noise levels. While noise levels within a recording studio are by nature high (due to instruments, effects, etc.), the function of a recording studio is to isolate and record sounds to maximize their quality. As such, recording studios naturally have significant sound mitigation that includes acoustic paneling (wall and ceiling), partitioning, and dampening (insulation and</i></p>

stripping around doors, windows, etc.). Put simply, recording studies are designed to neither allow sound in, nor out. The intended use under the rezone would not result in heavy truck traffic or high traffic volumes, especially given the small size of the building relative to the ±4,300 square foot size of the lot.

Although the subject comprehensive plan amendment (to Commercial) and rezone (to Downtown Commercial Fringe) would allow for commercial use of The Majestic, such commercial uses would be small and unlikely to generate high levels of noise or traffic.

Economy

Objective 6: Preserve the existing downtown core and encourage the location of new commercial and retail activities in it.

The Majestic sits on the edge of the downtown transition area, but it is an iconic part of Downtown Silverton that has served the community as the host of civic uses, social events and gatherings, and local artisan businesses. And unlike other buildings in the Downtown Commercial Fringe, The Majestic is architecturally a commercial use that does not reflect the historic downtown residential designs.

The proposed rezone is intended to align the land use and zoning for the site to be consistent with its historic use, which action will support the reinvestment in the building to retain its iconic and historic exterior while providing needed space for other types of artisan businesses, such as the intended recording studio. The redesignation and rezone would preserve the character of this structure consistent with the Town's history of being one of the best-preserved cities as named by the Oregon National Trust for Historic Preservation, as well as maintain Silverton's prominence in supporting the arts.

Housing

Goal: Meet the projected housing needs of the citizens in the Silverton area.

Though the subject site has a land use designation for single family, it has not been consistently nor predominantly used as a residence and is not currently contributing to the town's housing needs. As noted above, the renovations that would be necessary for residential occupancy are cost-prohibitive making it unlikely the site will ever be used for a residential purpose. Therefore, the requested change in the land use designation is not inconsistent with this comprehensive plan goal.

Objective 2: Preservation, maintenance and improvement of the existing housing stock.

Although the subject site has a single family land use designation, it has not been historically used as housing, and current building codes make it cost-prohibitive to improve the buildings condition to one supports housing in the future. Therefore, the requested change in the land use designation is not inconsistent with this comprehensive plan goal.

Housing

Policy 1: Protect adjacent residential areas from encroachment of new non-residential developments through the use of screening, buffering, landscaping, and building setbacks and compliance with other provisions within the City's Design Review Ordinance. Properties with existing developments which meet the criteria for the zone which they are in are determined to be compatible with adjacent residential uses.

The proposed rezone would not result in "new" non-residential development but allow the continuation of the historically documented use of the building for civic, social, cultural, artisan and other similar non-profit and for-profit business activities. These past (and future) uses are compatible and consistent with the historic character of the area.

The subject proposal meets the criteria and purpose for the Downtown Commercial Fringe zone as it exemplifies SDC 2.3.100(9)(b) which states it is "to provide a transition between the DC district and adjacent neighborhoods and commercial areas," and it is

intended to be “a mixed use area, where commercial, residential and mixed use buildings co-exist and complement the downtown” consistent with the historic character of the area. Therefore, the subject proposal is consistent with the housing section of the City’s Comprehensive Plan.

Statewide Planning Goals

Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The Applicant held a voluntary public meeting on July 30 with fourteen (14) community members in attendance. Additionally, the Applicant has complied with submitting all the required application materials and its following the established process for seeking changes to its land use and zoning.

Goal 5: To protect natural resources and conserve scenic and historic areas and open spaces.

The Majestic has been a fixture in the Silverton Community for over 100 years. It has been the location of multiple civic organizations, been a private event and social hall for community gatherings, and more recently an artisan space. The Applicant’s proposed redesignation and rezone would continue the building’s tradition of enriching the social, artistic, and cultural fabric of the community.

Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

The proposed redesignation and rezone would allow the existing commercial building to continue to support small, community-oriented business uses that are consistent with the historic use of the Majestic. Although the proposed use would not generate substantial employment for Silverton, it supports diverse business uses that create a more sustainable economy in Silverton and the State of Oregon. Applicant’s proposed business aligns with the artistic, social and cultural influences within Silverton which are key components of the community’s health, welfare, prosperity and more importantly: vibrancy.

Economic Opportunities Analysis (EOA)

Goal 1: Actively Increase Economic Vitality of Silverton

The EOA at page 15 states that most small and medium sized businesses in Silverton initially lease space in office or industrial flex buildings, or redevelopment sites downtown. Further, the analysis notes that the city could pursue proactive policies that support incubating and growing self-employment and other small businesses. The Applicant’s proposed redesignation would support a self-employment opportunity to grow a small business in Silverton’s downtown without redevelopment of an existing single-family historic residence. The proposed change merely aligns the land use designation with the historic and functional use of the existing building. And even more importantly, the proposed change leverages the building’s unique history as a social, cultural and artistic contributor to downtown Silverton.

Objective 1.2: Recruit businesses that offer “living wages” which are higher than the state-wide average for all private business establishments.

On pages 9 and 10 of the EOA, it proffers that the city target businesses that “generally offer above-average wages and provide health care and retirement benefits that support families,” which targeted occupations include nineteen occupations, including commercial artists. The Applicant’s proposed redesignation would allow for a historically non-residential building to be used as a recoding studio in support of new and existing commercial artists (himself and others).

		<p>Objective 2.1: Support local, county, regional, state, and federal land use, environmental, and transportation projects and initiatives that may positively impact or influence business development in Silverton</p> <p><i>This rezone and Comprehensive Plan Amendment would give additional opportunities for businesses to locate in Silverton, while preserving a local historic landmark. The addition of a new business, along with the preservation of the building will have a positive influence on the overall business climate in Silverton.</i></p> <p>Objective 2.3: Establish a “business friendly” relationship with local businesses and residents.</p> <p>Strategy 3: Strive to retain and attract new businesses. Recognize new business formations, investment and “family wage” employers.</p> <p><i>The Majestic has historically been a location for civic organizations and private social, cultural and artistic businesses. By redesignating and rezoning the site to Downtown Commercial Fringe zoning, the city would be retaining this location as one that encourages continued and growing economic activity among the community’s socially oriented, creative and artistic businesses. Further, it would support the Applicant’s growth of its small business formation and help other local artists have the space to create, grow, and formed self-employment businesses of their own. As noted in the EOA, creative artists are considered “family wage” employment and the Applicant’s proposal is consistent with the EOA’s emphasis on supporting emerging ‘strategic’ clusters including tourism and “creative” services.</i></p> <p>Objective 3.1: Facilitate Downtown Reinvestment and Vitalization</p> <p>Strategy 2: Implement zoning amendments that allow more flexible mixed-use development types that are compatible with adjacent commercial and housing areas.</p> <p><i>Residential use of this building is not feasible, and the building’s architecture is not consistent with historic residences that the Downtown Master Plan notes as having prominent peaked rooflines, large setbacks, etc. The Applicant’s proposal requests the city align the site’s historic use with a commercial zone that will allow commercial use of the site as a scale compatible with the adjacent downtown commercial and historic residential structures.</i></p> <p>Goal 5: Establish Silverton as a Unique Destination for Day-Trip and Overnight Tourism</p> <p><i>The EOA identifies the importance of having unique local attractions, events, shopping, and recreational activities available year-round to support tourism. The Applicant’s proposal amplifies the recognition and nostalgia of The Majestic to attract and support local, regional and global artists to the community for recording sessions, advancing Silverton’s creative art scene and furthering the city’s ability to leverage ‘art tourism’ that draws in visitors wanting to engage in artistic and cultural activities, especially those in downtowns and historical settings. The recognition of the subject site as a Commercial land use with Downtown Commercial Fringe zoning is a logical compatible extension of the existing land use patterns along the downtown core.</i></p> <p><i>This site’s specific proximity to downtown connects creative arts to local retail and tourism businesses, as well as complements other local venues and attractions associated with music and performance. While not at a scale like Austin’s live music scene or, more locally, Ashland’s performing arts cluster, the Applicant’s proposal is a small step in supporting small business enterprises consistent with the EOA as it relates to self-employment, creative services, tourism, etc.</i></p> <p style="text-align: center;"><u>Downtown Master Plan</u></p> <p>Policy 2: Historic Residential Character of Downtown Commercial Fringe. Commercial development in the Downtown Commercial Fringe shall be compatible with the historic residential nature.</p> <p><i>This property sits between commercial and residential uses. Given its unique construction and use, it is compatible with both, and can serve as a nice buffer between</i></p>
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		<p><i>the two. Additionally, the Majestic Rose blends in well with the historic character of the downtown, and the downtown fringe.</i></p> <p>Policy 3: Civic and Public Uses. Encourage retention of civic uses in the downtown. Public buildings shall be prominently sited and exhibit architecture and design that reinforces their important public role.</p> <p><i>In Figure 5.1 (existing downtown land use inventory) of the Silverton Downtown Master Plan, The Majestic is shown as having a Civic land use, which is consistent with the site’s historic use by civic organizations and private businesses that provided community-oriented space for social gatherings, etc. Although the Downtown Master Plan encourages civic areas to remain public, this specific ‘civic’ use has been privately owned. By granting the redesignation and rezone, the city would be acting to help retain a use that is more civically oriented. As a recording studio, The Majestic can transform into a gathering place for musicians, podcasters and artisans that support a strong social and cultural economy within the city.</i></p>
B	2	<p>A legislative amendment is needed to meet changing conditions or new laws.</p> <p><i>The Majestic was home to many commercial and civic uses over time, which appear to have been allowed as non-conforming uses. However, because the Majestic went without commercial use for longer than twelve (12) months, non-conforming commercial uses are not allowed. The only way to allow for commercial use of the building in the future is to revise the land use designation and rezone the property.</i></p> <p><i>Another condition necessitating the legislative amendment is the fact the subject building is roughly 100 years old and Oregon Building Codes make it cost-prohibitive to renovate the structure to change from its current Business (B) type occupancy classification to either an Residential (R) or Assembly (A) occupancy. In general terms, when a legally existing nonconforming portion of an existing structure is present when the existing structure undergoes a proposed change of occupancy, the Oregon Building Code’s (OBC) general view is that the building must comply with all associated requirements of the new proposed occupancy.</i></p> <p><i>It should be noted that even with the requested land use and zoning change, the range of commercial uses that Applicant would be permitted to operate on site is very limited in the business occupancy. It is highly unlikely the building would ever be used as a restaurant or bar, as such uses would be required to comply with a new building occupancy type (Type A – Assembly) and meet the requirements in Silverton’s Municipal Code including parking in 3.3.300(A).</i></p> <p><i>The Applicant’s proposal would align the land use to the historic commercial/civic use of the site and permit the subject use of the structure by an occupancy classification that would not be cost-prohibitive to bring up to the standards of the current international building code.</i></p> <p><i>Moreover, the proposal would support the location of a business in the iconic Majestic Rose building, keeping it as a fixture in the community and supporting greater diversity in the types of businesses located in the city’s downtown.</i></p>
C	3	<p>The result of the legislative amendment will result in an improvement to the Comprehensive Plan that furthers the adopted goals, policies or needs of the community above the current Comprehensive Plan.</p> <p><i>Approving the proposed amendment will help the city implement its Comprehensive Plan’s emphasis on the expansion and retention of businesses in the city, especially in the downtown core. This proposal aligns with the Comprehensive Plan, Downtown Master Plan, and the Silverton Economic Opportunity Analysis. By rezone and redesignating the Majestic Rose, the city is allowing additional business growth in the</i></p>

		<i>city and taking an active step in retaining a piece of the city's history.</i>
D	4	The requested designation for a quasi-judicial map amendment meets all of the following tests: <i>Yes. See analysis that follows each items.</i>
1	A	The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation. <i>The Applicant's requested designation recognizes the existing building does not support a residential occupancy and the redesignation is needed to address a conflict between the existing designation and the historic, non-residential use of the site.</i> <i>Resolution of this conflict will help to retain the historic use of a building in support small businesses downtown. The proposed designation would be more consistent with how the structure has been used and could be used in the future, allowing the site to remain an integral part of downtown.</i> <i>Applicant's proposal with further the City's EOA by supporting self-employment and small business growth, encouraging growth in the creative arts and services cluster, and can even help amplify the city's tourism.</i>
2	B	The requested designation is consistent with any relevant area plans adopted by the City Council. <i>The requested comprehensive plan designation of "Commercial" is consistent with the Downtown Master Plan (which designates the parcel as a civic land use) because subject property borders other downtown commercial areas, features architecture that is consistent with prior civic and commercial uses (e.g. it is not a converted historic single-family home), and the permitted uses under the associated rezone would allow for commercial fringe uses that are compatible with adjacent single family.</i> <i>The Applicant's request is also consistent with the City's Economic Opportunities Analysis, which encourages the city to identify ways to be business friendly, support family-wage job creation, and influence business development in the city. The Applicant is trying to develop its business in Silverton within a structure that has historically supported civic, social/cultural, and artistic uses like its intended use.</i>
3	C	The requested designation is consistent with the Comprehensive Plan map pattern and any negative impact upon the area has been considered and deemed acceptable by the City. <i>The Comprehensive Plan map pattern as shown in Exhibit B, does not reflect perfectly square boundaries for the Commercial land use designation. Several individual properties are designated as Commercial despite their protrusion into adjacent Single Family designated areas. This reflects the transition of historic uses to current uses, as well as the City's efforts to preserve historic uses of certain locations on the fringe of downtown. Nonetheless, the Applicant's requested designation would be consistent with the imperfect pattern of this designation's application on that area abutting the downtown.</i>
4	D	A public need will be met by the proposed change that is not already met by other available property. <i>Because of the age and historic use of the structure, it is not viable for residential use and likely not viable for mixed use (downstairs commercial and upper floor residential) due to the changes that would be required to reconcile such occupancies with the OBC. That said, there is a public need to maintain iconic and historic structures, to support local small businesses, and to promote businesses that make broader contributions to the city's economy as they serving a social, cultural and/or artistic niche that strengthens and diversifies the local economy. Without a rezone to help resolve how the</i>

		<p><i>building can be used, the building will be more likely to become vacant and be at a higher risk for falling into disrepair. Ensuring that the underlying zoning supports use of the building and maintenance of its general appearance keeps a property on the edge of downtown from becoming blighted.</i></p> <p><i>When the city adopted its Downtown Master Plan in 2007, the public indicated that one of the main elements of the city they wanted to “Keep the Same” was the “Historic Feel” while simultaneously wanting to develop identities for the town that included “Historic Buildings and Signage.” Plan at page 23. Moreover, that plan (at page 30) indicated it resulted in some modifications to the boundaries of the Historic Core (Downtown Commercial) and the Downtown Transition (Downtown Commercial Fringe) to better capture existing land use and urban design elements.</i></p> <p><i>Ultimately, “public need” is typically defined as a change in the best public interest for economic, social, and environmental reasons. As demonstrated throughout the narratives for the requested land use and zoning change, the Applicant has highlighted how the proposal is consistent with the city’s goals and policies for economic development, how the proposal will support a small business in Silverton, how that type of a small business is connected with the broader Silverton economy (especially the creative economy), and how the proposed change is incompatible with the existing zone and compatible with the proposed zone. Further, the Applicant’s proposal advances the public interest by retaining an important building and façade that are attached to the city’s history.</i></p>
5	E	<p>The requested designation is consistent with the Statewide Planning Goals.</p> <p><i>Yes, as described above, the requested designation is consistent with Statewide Planning Goals, including that it’s being considered in a wholly public process and the applicant has held one voluntary community meeting (Goal 1 – Citizen Involvement); that it’s consistent with other city plans (Goal 2 – Land Use); that the proposal helps maintain a building that is part of Silverton’s unique history (GOAL 5: Natural Resources, Scenic and Historic Areas, Open Spaces); that it furthers providing for a variety of economic activities that support the cultural and social health, welfare and prosperity of the city; and that it <u>does not</u> reduce the city’s current or future inventory of residential uses.</i></p>
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Zone Map Amendment Narrative

The Silverton Development Code (SDC) at 4.7.200(A) – (C) establishes three criteria for review and decision making on legislative amendments which staff has indicated are not applicable to this type of zoning map amendment. Instead, the applicable criteria required to be addressed are in SDC 4.7.300(B)(1) – (8). These criteria are also required as part of the Narrative section of the Rezone Application Form. The numbering on the Application Form is consistent with the numbering in the relevant section of the SDC.

*Formatting note: the review criteria that must be analyzed and all relevant city/state policies, plans and goals, are shown in standard text, while the Applicant’s analysis of the criteria’s satisfaction is addressed in *blue text*.

Number	Criterion / Applicant Analysis
1	<p>Approval of the request is consistent with the Statewide Planning Goals: <i>Yes. The subject request is consistent with Statewide Planning Goals, 2, 5 and 9 as demonstrated below.</i></p> <p style="text-align: center;">Statewide Planning Goals</p> <p>Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. <i>The Applicant held a voluntary public meeting on July 30 with fourteen (14) community members in attendance. Additionally, the Applicant has complied with submitting all the required application materials and it’s following the established procedures for seeking changes to its land use and zoning that ensure public input and participation.</i></p> <p>Goal 5: To protect natural resources and conserve scenic and historic areas and open spaces. <i>The Majestic has been a fixture in the Silverton Community for more than 100 years. It has been the location of multiple civic organizations, a private event and social hall for community gatherings, and more recently an artisan manufacturing space. While not officially designated as a landmark or a historic building, The Majestic is a prominent feature in the community. The Applicant’s proposed rezone would allow the building to be reinvested in to support a commercial business that envisions its character and history as aligning with the cultural, social and artistic values of the recording business that would locate here. This will protect the building’s tradition of enriching the social, artistic, and cultural fabric of the community better than attempting to convert the building into a single family residence or duplex.</i></p> <p>Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. <i>The proposed redesignation and rezone would allow the existing commercial building to continue to support small, community-oriented creative service uses that are consistent with the historic use of The Majestic. Although the proposed use would not generate substantial employment for Silverton, it supports diverse business uses and a sustainable economy in Silverton and the State of Oregon.</i></p> <p><i>Consistent with Silverton’s EOA, which identifies the importance of having unique local attractions, events, shopping, and recreational activities available year-round to support tourism, the Applicant’s proposal amplifies the recognition and nostalgia of The Majestic to advance Silverton’s creative art scene and further the city’s ability to support and leverage other downtown and local businesses that strengthen the City’s appeal to ‘art tourists’ who seek out artistic and cultural activities in downtowns spaces and historical settings. The application of Downtown Commercial Fringe zoning is a logical and compatible extension of the existing land use patterns along the downtown core.</i></p> <p><i>The Applicant proposes this change to support its small business, which business is aligned with the artistic, social and cultural influences within Silverton. This helps support key components of the community’s health, welfare, prosperity and more importantly: vibrancy.</i></p>

2

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

In summary, the Applicant's requested designation recognizes the existing building does not support a residential occupancy and the rezone is needed to address a conflict between the existing designation and the historic, non-residential use of the site. Resolution of this conflict will help to retain the historic use of a building in support small businesses downtown. The proposed zone and its stated purpose would be more consistent with how the structure has been used and how it could be used in the future, allowing the site to remain an integral part of downtown. The Applicant's proposal will further the City's EOA by supporting self-employment and small business growth, encouraging growth in the creative arts and services cluster, and can even help amplify the city's tourism.

In more detail, the following evaluates the requested rezone's consistency with the Comprehensive Plan Policies:

Silverton Comprehensive Plan

Economy

Goal 1: Diversify and improve the economy of Silverton

The Applicant's proposal would allow for the growth and incubation of a small business in the creative services sector, which sector is identified in the City's Economic Opportunity Analysis as being a sector that provides family wage jobs. Further, creative services are identified in City plans as supporting tourism and other local economic opportunities. The Majestic has historically been the home for civic groups and private businesses that contribute social, cultural and economic value to the city. Because the type of business has a relationship to the local creative/artistic community, tourism economy, and more, the proposal directly addresses diversification and strengthening of the local economy. The proposed rezone would support the use of the building consistent with its past uses in a manner that is compatible with the adjacent downtown and residential neighborhoods.

Economy

Objective 4: Minimize high noise levels, heavy traffic volumes, and other undesirable effects of heavy commercial and industrial developments.

The Applicant's proposal does not qualify as a heavy commercial or industrial development. However, a reasonable party is likely to question whether there is potential for a recording studio to be a source of high noise levels. While noise levels within a recording studio are by nature high (due to instruments, effects, etc.), the function of a recording studio is to isolate and record sounds to maximize their quality. As such, recording studios naturally have significant sound mitigation that includes acoustic paneling (wall and ceiling), partitioning, and dampening (insulation and stripping around doors, windows, etc.). The intended use under the rezone would not result in heavy truck traffic or high traffic volumes, especially given the small size of the building relative to the ±4,300 square foot size of the lot.

Although the subject comprehensive plan amendment (to Commercial) and rezone (to Downtown Commercial Fringe) would allow for commercial use of The Majestic, such commercial uses would be small and unlikely to generate high levels of noise or traffic.

Economy

Objective 6: Preserve the existing downtown core and encourage the location of new commercial and retail activities in it.

The Majestic sits on the edge of the downtown transition area, but it is an iconic part of Downtown Silverton that has served the community as the host of civic/service, social (events and gatherings), and local artisan business uses. And unlike other buildings in the Downtown Commercial Fringe, The Majestic is architecturally consistent with that of a commercial use as it does not reflect the historic downtown residential designs.

	<p><i>The proposed rezone is intended to align the land use and zoning for the site to be consistent with its historic use, which action will support the reinvestment in the building to retain its iconic and historic exterior while providing needed space for creative service/artisan business types like the intended recording studio. The redesignation and rezone would preserve the character of this structure consistent with the Town’s history of being one of the best-preserved cities as named by the Oregon by the National Trust for Historic Preservation, as well as maintain Silverton’s prominence in supporting the arts and arts tourism.</i></p> <p>Housing Goal: Meet the projected housing needs of the citizens in the Silverton area. <i>The subject site has a land use designation and zoning for single family, but it has not served the purpose of providing housing (nor could it reasonably do so in the future). Therefore, the requested change in the zoning to Downtown Commercial Fringe is not inconsistent with this comprehensive plan goal.</i></p> <p>Objective 2: Preservation, maintenance and improvement of the existing housing stock. <i>Although the subject site has a single family zoning designation, it has not been historically used as housing, and current building codes make it cost-prohibitive to improve the building’s condition to one that supports housing in the future. Therefore, the requested change in the land use designation is not inconsistent with this comprehensive plan goal.</i></p> <p>Housing Policy 1: Protect adjacent residential areas from encroachment of new non-residential developments through the use of screening, buffering, landscaping, and building setbacks and compliance with other provisions within the City’s Design Review Ordinance. Properties with existing developments which meet the criteria for the zone which they are in are determined to be compatible with adjacent residential uses. <i>The proposal is not a “new” non-residential development but an extension of the historically documented use of the building for civic/service, social, cultural, creative/artisan and other similar non-profit and for-profit business activities. These past (and future) uses are wholly compatible and consistent with the historic character of the area and the adjacent downtown core.</i></p> <p><i>The subject proposal meets the criteria and purpose for the Downtown Commercial Fringe zone as it exemplifies SDC 2.3.100(9)(b) which states it is “to provide a transition between the DC district and adjacent neighborhoods and commercial areas,” and it is intended to be “a mixed use area, where commercial, residential and mixed use buildings co-exist and complement the downtown” consistent with the historic character of the area. Therefore, the subject proposal is not inconsistent with the housing section of the City’s Comprehensive Plan.</i></p> <p><i>On balance, the subject request for a rezone would be more consistent with and supportive of the site being commercially used under the Downtown Commercial Fringe zone.</i></p>
3	<p>The requested designation is consistent with any relevant area plans adopted by the City Council. <i>Yes. The requested zoning is consistent with the Economic Opportunities Analysis and Downtown Master Plan, which both have been adopted by the City Council. The following outlines these consistencies:</i></p> <p style="text-align: center;">Economic Opportunities Analysis (EOA)</p> <p>Goal 1: Actively Increase Economic Vitality of Silverton <i>The EOA at page 15 states that most small and medium sized businesses in Silverton initially lease space in office or industrial flex buildings, or redevelopment sites downtown. Further, the analysis notes that the city could pursue proactive policies that support incubating and growing self-employment and other small businesses. The Applicant’s proposed designation would support a self-employment opportunity to grow a small business in Silverton’s downtown without redevelopment of an existing single-family historic residence. The proposed change merely aligns the land use designation with the historic and functional use of the existing building. And even more importantly,</i></p>

the proposed change leverages the building's unique history as a social, cultural and artistic contributor to downtown Silverton.

Objective 1.2: Recruit businesses that offer “living wages” which are higher than the state-wide average for all private business establishments.

On pages 9 and 10 of the EOA, it proffers that the city target businesses that “generally offer above-average wages and provide health care and retirement benefits that support families,” which targeted occupations include nineteen occupations, including commercial artists. The Applicant's proposed redesignation would allow for a historically non-residential building to be used as a recording studio in support of new and existing commercial artists (himself and others).

Objective 2.1: Support local, county, regional, state, and federal land use, environmental, and transportation projects and initiatives that may positively impact or influence business development in Silverton

This rezone and Comprehensive Plan Amendment would give additional opportunities for businesses to locate in Silverton, while preserving a local historic landmark. The addition of a new business, along with the preservation of the building will have a positive influence on the overall business climate in Silverton.

Objective 2.3: Establish a “business friendly” relationship with local businesses and residents.

Strategy 3: Strive to retain and attract new businesses. Recognize new business formations, investment and “family wage” employers.

The Majestic has historically been a location for civic organizations and private social, cultural and artistic businesses. By redesignating and rezoning the site to Downtown Commercial Fringe zoning, the city would be retaining this location as one that encourages continued and growing economic activity among the community's socially oriented, creative and artistic businesses. Further, it would support the Applicant's growth of its small business formation and help other local artists have the space to create, grow, and formed self-employment businesses of their own. As noted in the EOA, creative artists are considered “family wage” employment and the Applicant's proposal is consistent with the EOA's emphasis on supporting emerging ‘strategic’ clusters including tourism and “creative” services.

Objective 3.1: Facilitate Downtown Reinvestment and Vitalization

Strategy 2: Implement zoning amendments that allow more flexible mixed-use development types that are compatible with adjacent commercial and housing areas.

Residential use of this building is not feasible, and the building's architecture is not consistent with historic residences that the Downtown Master Plan notes as having prominent peaked rooflines, large setbacks, etc. The Applicant's proposal requests the city align the site's historic use with a commercial zone that will allow commercial use of the site as a scale compatible with the adjacent downtown commercial and historic residential structures.

Goal 5: Establish Silverton as a Unique Destination for Day-Trip and Overnight Tourism

The EOA identifies the importance of having unique local attractions, events, shopping, and recreational activities available year-round to support tourism. The Applicant's proposal amplifies the recognition and nostalgia of The Majestic to attract and support local, regional and global artists to the community for recording sessions, advancing Silverton's creative art scene and furthering the city's ability to leverage ‘art tourism’ that draws in visitors wanting to engage in artistic and cultural activities, especially those in downtowns and historical settings. The recognition of the subject site as a Commercial land use with Downtown Commercial Fringe zoning is a logical compatible extension of the existing land use patterns along the downtown core.

This site's specific proximity to downtown connects creative arts to local retail and tourism businesses, as well as complements other local venues and attractions associated with music and performance. While not at a scale like Austin's live music scene or, more locally, Ashland's performing arts cluster, the Applicant's proposal is a small step in supporting small business enterprises consistent with the EOA as it relates to self-employment, creative services, tourism, etc.

	<p style="text-align: center;"><u>Downtown Master Plan</u></p> <p>Policy 2: Historic Residential Character of Downtown Commercial Fringe. Commercial development in the Downtown Commercial Fringe shall be compatible with the historic residential nature. <i>This property sits between commercial and residential uses. Given its unique construction and use, it is compatible with both, and can serve as a nice buffer between the two. Additionally, the Majestic Rose blends in well with the historic character of the downtown, and the downtown fringe.</i></p> <p>Policy 3: Civic and Public Uses. Encourage retention of civic uses in the downtown. Public buildings shall be prominently sited and exhibit architecture and design that reinforces their important public role. <i>In Figure 5.1 (existing downtown land use inventory) of the Silverton Downtown Master Plan, The Majestic is shown as having a Civic land use, which is consistent with the site’s historic use by civic organizations and private businesses that provided community-oriented space for social gatherings, etc. Although the Downtown Master Plan encourages civic areas to remain public, this specific ‘civic’ use has been privately owned. By granting the redesignation and rezone, the city would be acting to help retain a use that is more civically oriented. As a recording studio, The Majestic can transform into a gathering place for musicians, podcasters and artisans that support a strong social and cultural economy within the city.</i></p>
4	<p>The requested designation is consistent with the Comprehensive Plan map pattern and any negative impacts upon the area resulting from the change, if any, have been considered and deemed acceptable by the city. <i>The Comprehensive Plan map pattern (as shown in Exhibit B) does not reflect perfectly square boundaries for the Commercial land use designation. Several individual properties are designated as Commercial despite their protrusion into adjacent Single Family designated areas. This reflects the transition of historic uses to current uses, as well as the City’s efforts to preserve historic uses of certain locations on the fringe of downtown. Nonetheless, the Applicant’s requested designation would be consistent with the imperfect pattern of this designation’s application on that area abutting the downtown.</i></p>
5	<p>A public need will be met by the proposed change that is not already met by other available properties, or the amendment corrects a mistake or inconsistency in the comprehensive plan or zoning map regarding the property which is the subject of the application.</p> <p><i>The Applicant believes both conditions are met. First, “public need” is typically defined as a change in the best public interest for economic, social, and environmental reasons. As demonstrated throughout the narratives for the requested land use and zoning change, the Applicant has highlighted how the proposal is consistent with the city’s goals and policies for economic development, how the proposal will support a small business in Silverton, how that type of a small business is connected with the broader Silverton economy (especially the creative economy), and how the proposed change is incompatible with the existing zone and compatible with the proposed zone. Further, the Applicant’s proposal advances the public interest by retaining an important building and façade that are attached to the city’s history.</i></p> <p><i>Without a rezone to help resolve how the building can be used, the building will be more likely to become vacant and be at a higher risk for falling into disrepair. Ensuring that the underlying zoning supports use of the building and maintenance of its general appearance keeps a property on the edge of downtown from becoming blighted.</i></p> <p><i>When the city adopted its Downtown Master Plan in 2007, the public indicated that one of the main elements of the city they wanted to “Keep the Same” was the “Historic Feel” while simultaneously wanting to develop identities for the town that included “Historic Buildings and Signage.” Plan at page 23. Moreover, that plan (at page 30) indicated it resulted in some modifications to the boundaries of the Historic Core (Downtown Commercial) and the Downtown Transition (Downtown Commercial Fringe) to better capture existing land use and urban design elements.</i></p> <p><i>The Applicant believes that its land use and zoning concern was never previously resolved because Comprehensive Plan Urbanization Policy 12 envisions allowing commercial uses in non-commercial</i></p>

	<i>areas to be non-conforming. Unfortunately, this policy does not work in this case because the site cannot be converted to residential building occupancy, nor can commercial uses be currently permitted on-site as non-conforming uses. Essentially, the current land use designation and zoning in concert with the OBC are making the site unusable.</i>
6	<p>The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.</p> <p><i>As addressed in the opening sections of this narrative and analysis, it is projected that there are adequate public facilities, services, and transportation networks in place to support the use. For example, if the site were to be used residentially, the water (and commensurate sewer) usage would be higher than if it were to be zoned and used commercially. Additionally, while the subject site as a commercial use has the potential for increased traffic, such increases are minimal and should not warrant more detailed analysis. The Applicant also notes that its location is connected to the existing network of sidewalks in the community (promoting walkability to nearby services) and within walking distance (1/4 mile) of a transit stop. Additional sidewalk improvements are planned.</i></p> <p><i>Moreover, the site is located within a half mile of the police station, city hall, municipal code, library and other local services. The commercial use of the structure is less likely to require some public services than if the site were a residential use.</i></p>
7	<p>Any amendment involving a change to the City’s urban growth boundary shall conform to applicable State planning rules for such amendments.</p> <p><i>Not applicable to the proposed amendment as no urban growth boundary change is proposed.</i></p>

Exhibits

In support of the proposed redesignation and rezone, the following maps are included as exhibits:

- Exhibit A Current Zoning & Businesses Map
- Exhibit B Zoning & Comprehensive Plan Maps (Existing/Proposed)
- Exhibit C Assessor Parcel Map
- Exhibit D Conceptual Site Plan
- Exhibit E Required Deed

Summary of Action Requested

- Approve the requested change in the land use map designation from Single Family to Commercial
- Approve the requested change in the zoning map designation from Single Family to Downtown Commercial Fringe

Conclusion

The Applicant is confident that its proposal is wholly supported by the facts and analysis provided herein.

Thank you for your time and consideration. Should you have any questions, please do not hesitate to contact me at david@toyerstrategic.com or 425-344-1523.

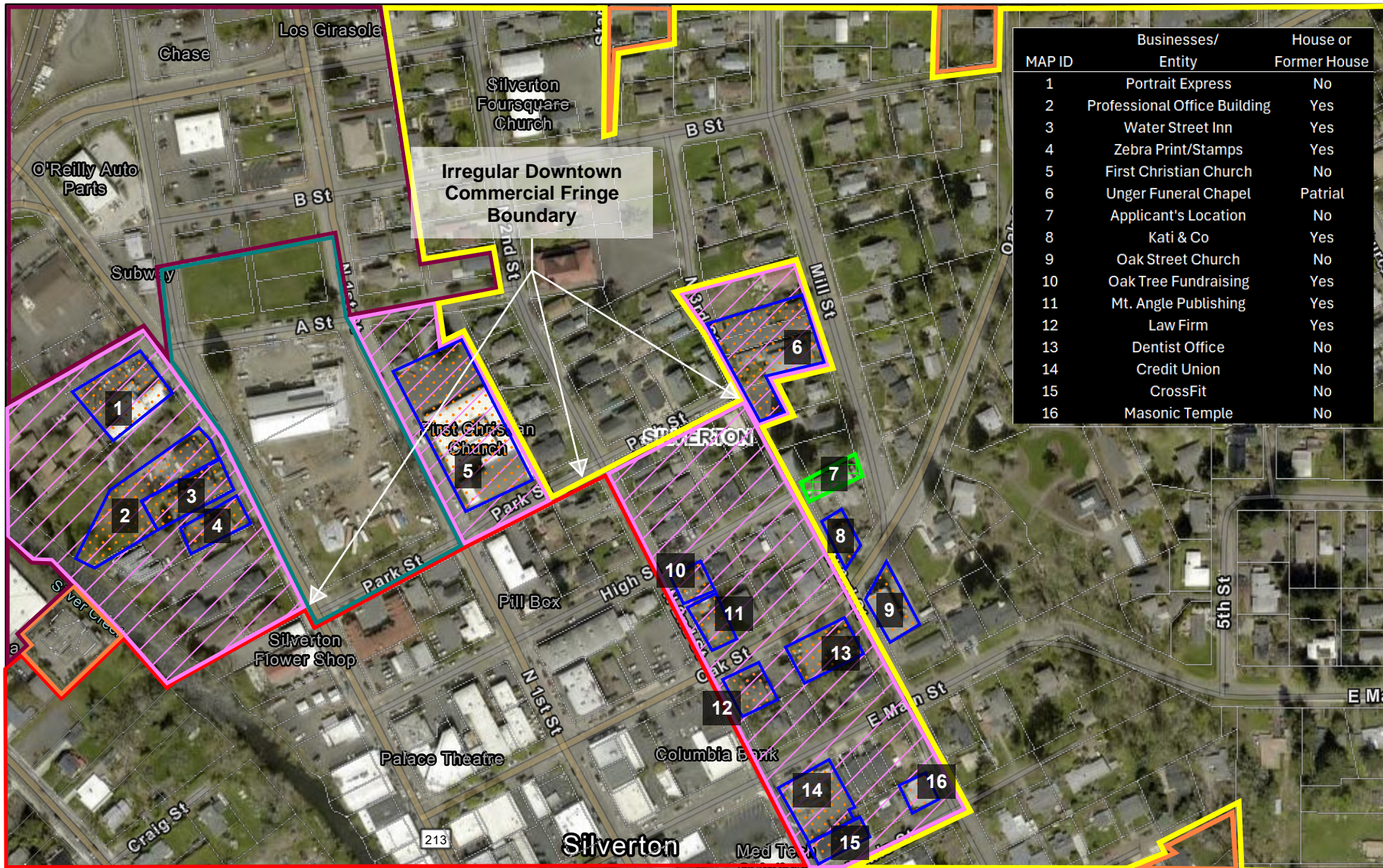
Very Sincerely,



David Toyer
President

ⁱ “A wild trip’: 65 years of marriage and the Wallaces are still going strong,” by Brenna Wiegand. OurTown. May 1, 2016.
ⁱⁱ <https://www.cherriots.org/triplanner/>
ⁱⁱⁱ https://silverton.or.us/sites/default/files/fileattachments/public_works/page/2635/122920_silverton_water_master_plan_-_final.pdf
^{iv} https://silverton.or.us/sites/default/files/fileattachments/community_development/page/2719/silverton_hna_report_final_jan_2020.pdf
^v https://www.eia.gov/consumption/commercial/data/2018/pdf/CBECS_2018_Building_Characteristics_Flipbook.pdf

CURRENT ZONING & BUSINESSES



MAP ID	Businesses/ Entity	House or Former House
1	Portrait Express	No
2	Professional Office Building	Yes
3	Water Street Inn	Yes
4	Zebra Print/Stamps	Yes
5	First Christian Church	No
6	Unger Funeral Chapel	Patrial
7	Applicant's Location	No
8	Kati & Co	Yes
9	Oak Street Church	No
10	Oak Tree Fundraising	Yes
11	Mt. Angle Publishing	Yes
12	Law Firm	Yes
13	Dentist Office	No
14	Credit Union	No
15	CrossFit	No
16	Masonic Temple	No

7/29/2024, 10:07:06 AM

- Parcels
- County Boundary

City Boundaries

- GC, General Commercial
- DCF, Downtown Commercial Fringe
- DC, Downtown Commercial
- P, Public
- R5, Low Density Residential

- R-1, Single Family Residential
- Applicant Site
- Businesses

1:4,514

0 0.03 0.05 0.1 mi

0 0.04 0.09 0.17 km

MC-ASR, MC-IT GIS, MC IT-GIS, MC Planning, Esri Community Maps Contributors, Oregon Metro, Oregon State Parks, State of Oregon GEO, ©

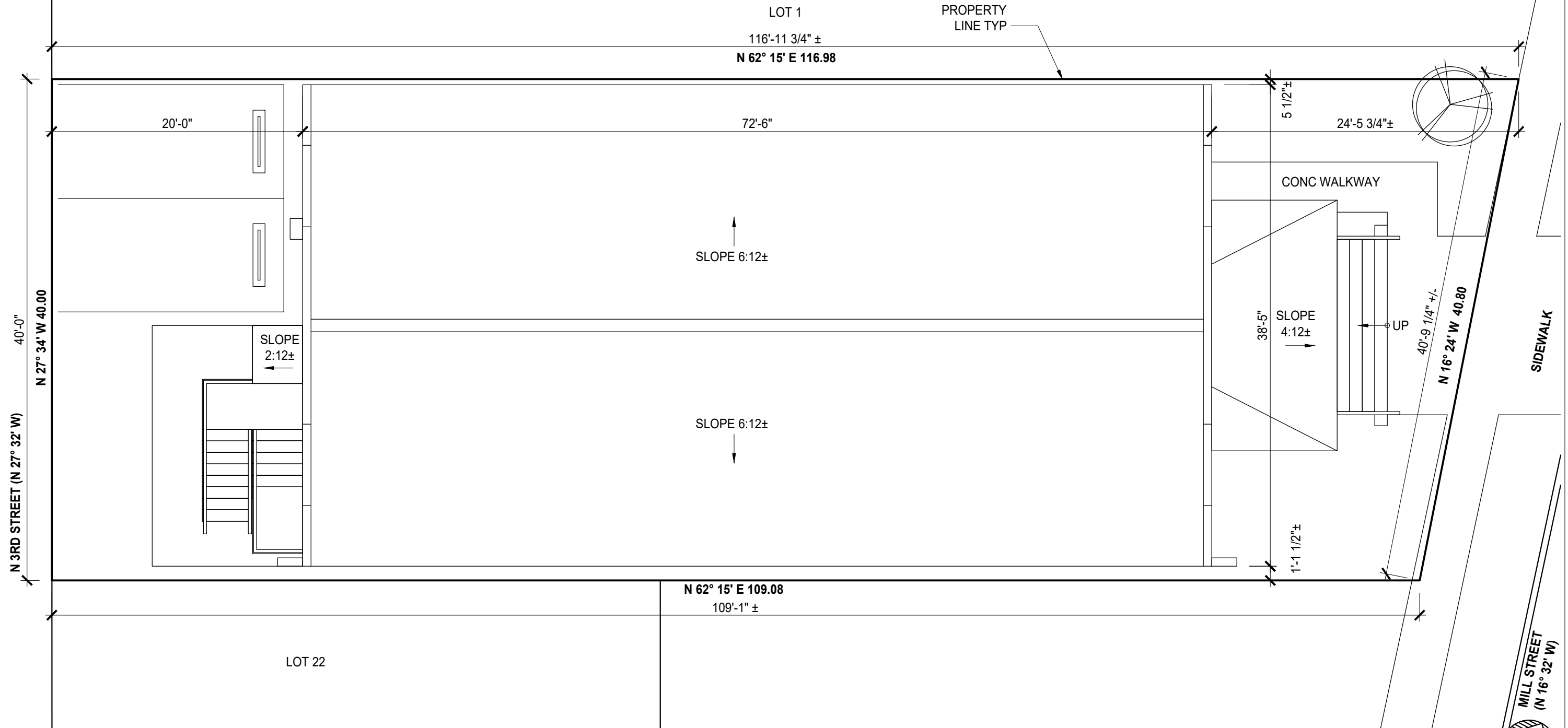
CONCEPTUAL SITE PLAN

NOT FOR CONSTRUCTION

August 2024

NOTES:

- 1. SITE PLAN INFORMATION GATHERED FROM MARION COUNTY GIS MAPS AND THE SURVEYOR'S OFFICE HISTORIC SURVEYS
- 2. NO PROPOSED CHANGES TO THE BUILDING ENVELOPE



SCALE 1/8" = 1'-0"

JUSTIN A ZIER

1121 EAST THOMAS STREET
SEATTLE, WA 98201
VOICE 1.206.322.6249
FAX 1.206.322.6402
JZIER@DESIGNLEISURE.COM

CONCEPT DESIGN

MAJECTIC ROSE RECORDS - 209 MILL STREET SILVERTON, OR 97381

PRELIMINARY
NOT FOR CONSTRUCTION

SITE PLAN

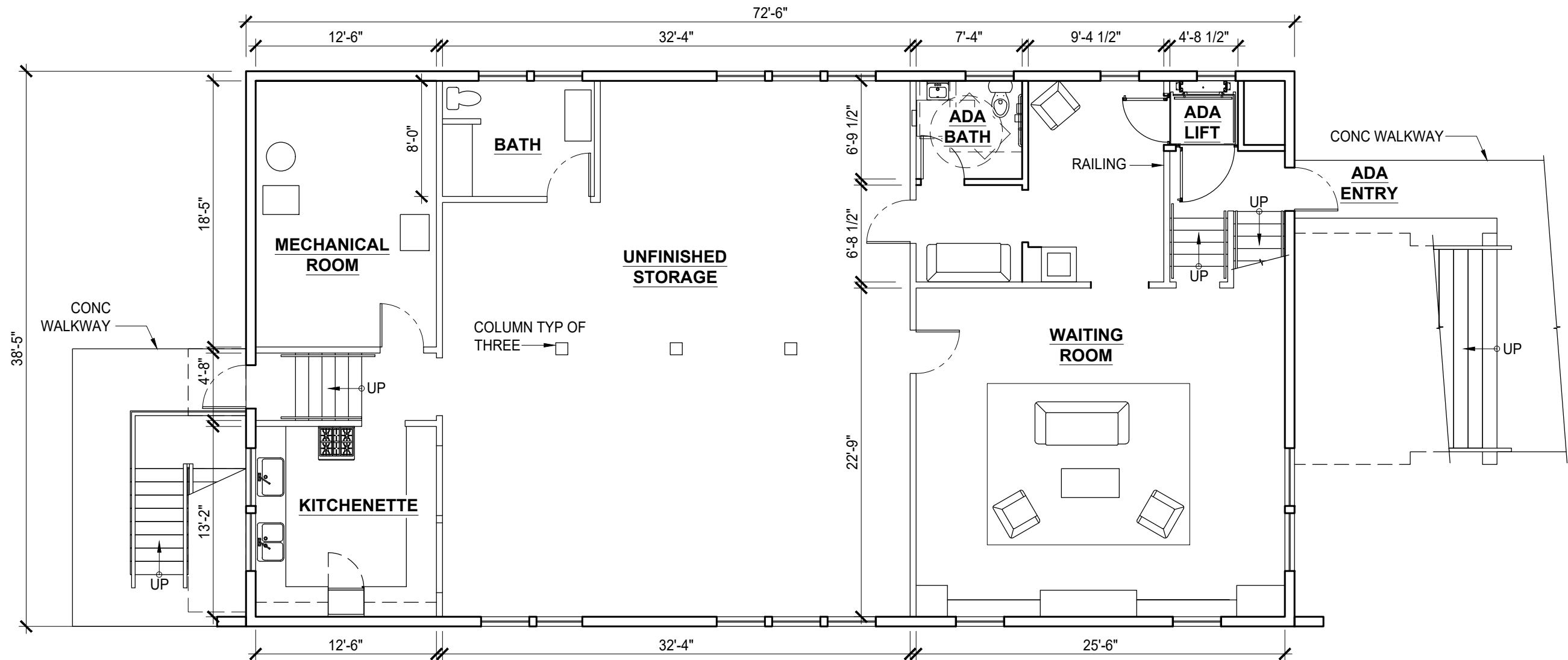
SCALE AS NOTED

SHEET **A-1**
84

CONCEPTUAL SITE PLAN

NOT FOR CONSTRUCTION

August 2024



NOTES:

1. DIMENSIONS ARE FINISH-TO-FINISH UNLESS OTHERWISE NOTED.



SCALE 1/8" = 1'-0"

JUSTIN A ZIER

1121 EAST THOMAS STREET
SEATTLE, WA 98201
VOICE 1.206.322.6249
FAX 1.206.322.6402
JZIER@DESIGNLEISURE.COM

CONCEPT DESIGN

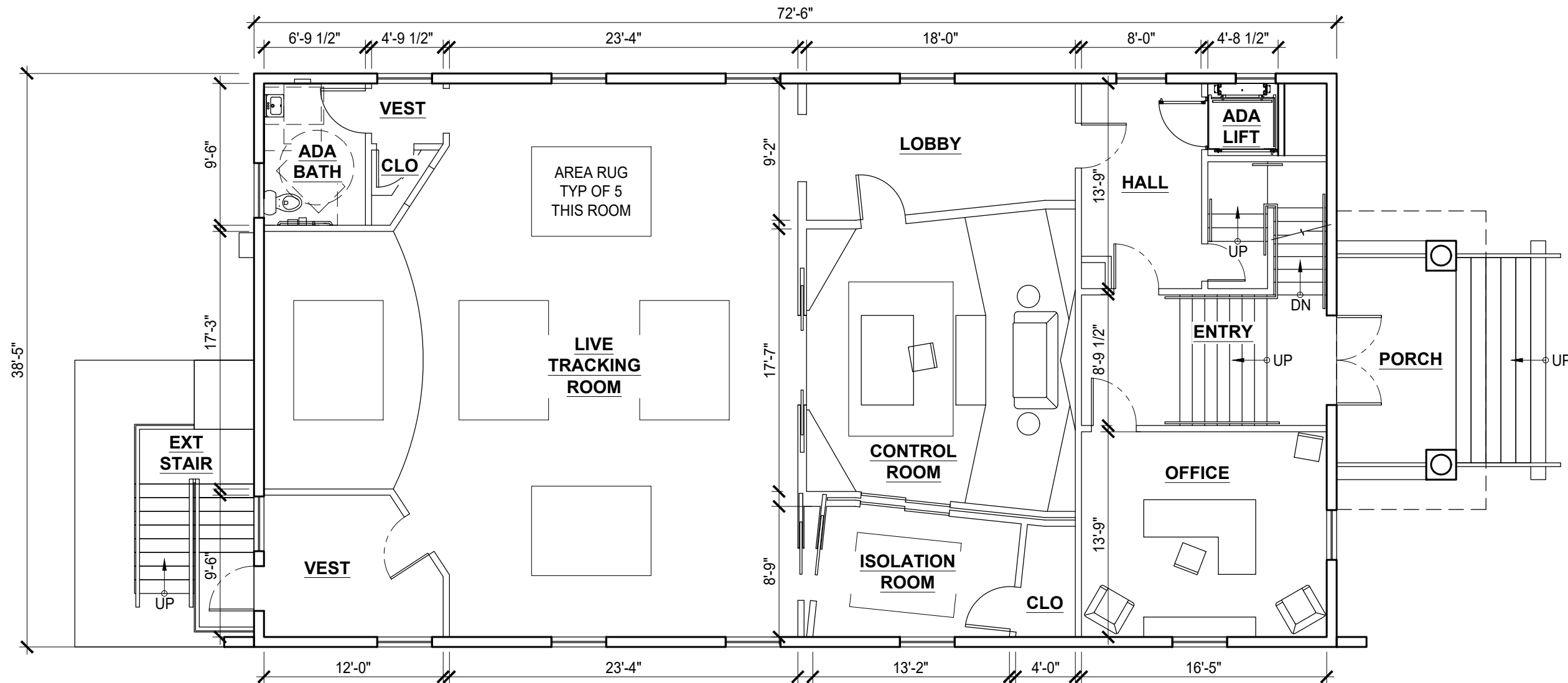
MAJECTIC ROSE RECORDS - 209 MILL STREET SILVERTON, OR 97381

PRELIMINARY
NOT FOR CONSTRUCTION

LOWER LEVEL
FLOOR PLAN

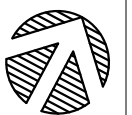
SCALE AS NOTED

SHEET **A-2**
85



NOTES:

1. DIMENSIONS ARE FINISH-TO-FINISH UNLESS OTHERWISE NOTED.



SCALE 1/8" = 1'-0"

JUSTIN A ZIER

1121 EAST THOMAS STREET
SEATTLE, WA 98201
VOICE 1.206.322.6249
FAX 1.206.322.6402
JZIER@DESIGNLEISURE.COM

CONCEPT DESIGN

MAJECTIC ROSE RECORDS - 209 MILL STREET SILVERTON, OR 97381

PRELIMINARY
NOT FOR CONSTRUCTION

MAIN LEVEL
FLOOR PLAN

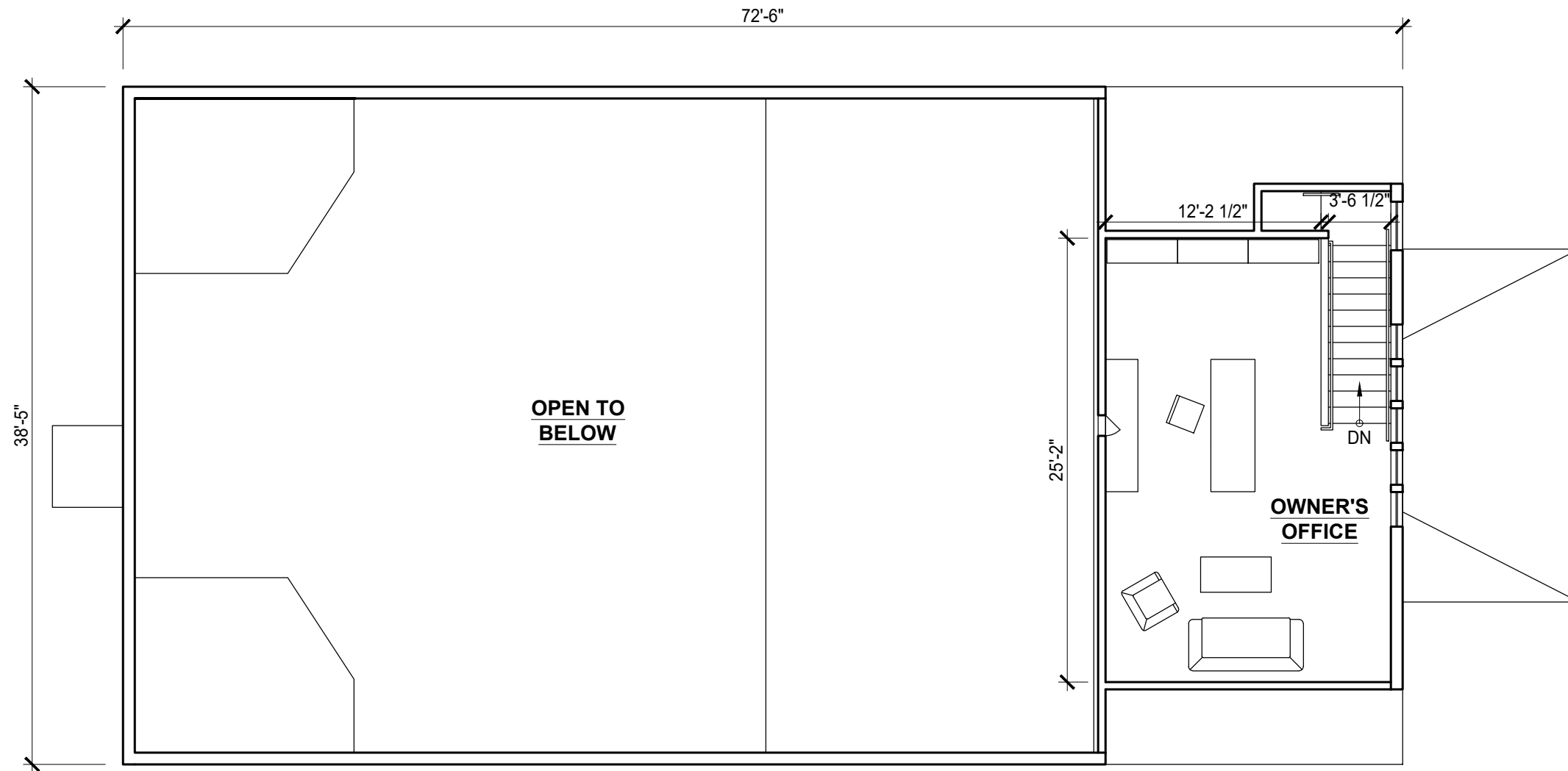
SCALE AS NOTED

SHEET **A-3**
86

CONCEPTUAL SITE PLAN

NOT FOR CONSTRUCTION

August 2024



NOTES:

- 1. DIMENSIONS ARE FINISH-TO-FINISH UNLESS OTHERWISE NOTED.



SCALE 1/8" = 1'-0"

JUSTIN A ZIER

1121 EAST THOMAS STREET
SEATTLE, WA 98201
VOICE 1.206.322.6249
FAX 1.206.322.6402
JZIER@DESIGNLEISURE.COM

CONCEPT DESIGN

MAJECTIC ROSE RECORDS - 209 MILL STREET SILVERTON, OR 97381

PRELIMINARY
NOT FOR CONSTRUCTION

UPPER LEVEL
FLOOR PLAN

SCALE AS NOTED

SHEET **A-4**
87

ATTACHMENT C: STAFF REPORT, CP-24-04 & ZC-24-02

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on August 30, 2024 requesting a Comprehensive Plan amendment to change the comprehensive plan designation of 209 Mill Street (Marion County Assessor's Map 061W35BC03100) from Single-Family Residential to Commercial with a concurrent Zone Change to zone the property Downtown Commercial Fringe (DCF). The property has been historically utilized for commercial purposes and operated as a non-conforming use. The applicant intends to use the structure as a recording studio.
2. Notice was mailed to all property owners within 700 feet of the subject area on September 18, 2024. The notice was published in the Statesman Journal on September 25, 2024. The site was posted on September 27, 2024.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500 Type IV Procedure

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on August 30, 2024. A public notice for this request was mailed to all property owners within 700 feet of the site on September 18, 2024. The notice was published in the Statesman Journal on September 25, 2024. The site was posted on September 27, 2024. The application will be before the Planning Commission on October 8, 2024 and will be before the City Council for review.

Section 4.12.400 Review Criteria

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

Findings: The property is .10 acres in size and is designated Single-Family Residential on the Comprehensive Plan and is zoned R-1, Single-Family Residential. The site is developed with an approximate 5,989 square foot building historically used for commercial purposes as a non-conforming use and is now used as a single-family residential dwelling. The site has frontage on Mill Street, a local roadway under City of Silverton jurisdiction. Single-family homes are to the north, east and south of the site, Downtown Commercial Fringe exists to the west of the site.

The applicant is requesting a Comprehensive Plan Amendment to designate the property Commercial with a concurrent Zone Change to zone the property Downtown Commercial Fringe (DCF). The requested zoning designation will allow the site to be used as a recording studio.

The goal of the Urbanization element of the Comprehensive Plan is to “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.” The site is located at the edge of Downtown Commercial Fringe zone where there is a mix of single-family dwellings and commercial businesses such as a funeral home, dentist office, law office and a credit union. One of the objectives of the Economic Opportunities Analysis is to implement zoning amendments that allow more flexible mixed-use development types that are compatible with adjacent commercial and housing areas. As commercial uses grow downtown this location is a logical area for expansion.

A policy under Urbanization in the Comprehensive plan states “the central business district (CBD) is the major commercial area in Silverton. Unless it can be shown that new commercial rezone proposals will not conflict with the downtown and competing major commercial activity outside the CBD they will be discouraged.” The proposal for a recording studio does not conflict with downtown as it is an expansion of the downtown and is an appropriate use for a building that was never intended to be residential.

The existing building was historically non-conforming with commercial and civic uses until 2020 when it became a single-family residence. The building lost its non-conforming status since it has not operated as a commercial use for over twelve months. A land use redesignation would allow the building to be used once again as a commercial property containing a recording studio. By allowing the change, the single-family residential supply will be decreased by a maximum of two dwellings. The Housing Needs Analysis indicates a surplus of land zoned for single family dwellings.

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

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

Findings: The site is not located in an area plan adopted by the City Council. The criterion is not applicable.

- 3. The requested designation is consistent with the comprehensive plan map pattern and any negative impact upon the area resulting from the change has been considered and deemed acceptable by the city.*

Findings: The site is located next to a neighborhood collector under the City of Silverton jurisdiction. Single-Family residential is located to the north, east and south and Downtown Commercial Fringe exists to the west. The comprehensive map pattern is a mixture of Single-Family residential and commercial.

The property has been historically utilized for commercial purposes and operated as a non-conforming use and it is currently used as single-family residential. Changing the property to commercial removes it from the noise disturbance restrictions of the municipal code therefore the authorities would not have the ability to assist the neighborhood with noise complaints. The applicant states the recording studio will be equipped with significant sound mitigation that includes acoustic paneling, partitioning, and dampening. The studio reportedly will be designed to neither allow sound in, nor out.

Testimony received stated concern that there will be no guidelines in place for parking. The business is expected to generate more vehicle trips than a single-family residence including the need for more parking. The property has minimal space for on-site parking but the business has the option of the offsite parking allowance. This would be an agreement between property owners allows parking spaces to be located on another parcel of land.

Testimony received states the building is over 20' from the front property line. The Downtown Commercial Fringe zone does have a 5' to 20' Build-To Line requirement. The building was placed on the site in 1924 which proceeds the requirement for a Build-To Line.

The criterion is met.

4. *An identified public need will be met by the proposed change that is not already met by other available property.*

Findings: The 2019 Housing Needs Analysis estimates that the City has a 381-acre surplus of single-family buildable land that can accommodate 1,409 dwelling units. The property is currently designated as single-family residential in the comprehensive plan. The property contains .10 acres which would accommodate a maximum of two dwellings.

The 2011 Economic Opportunities Analyst estimates the City has a surplus of 1 acre for low growth commercial but needs an additional 3 acres of commercial land for medium to high growth. The site is currently developed with an approximate 5,989 square foot building historically used for commercial purposes as a non-conforming use.

If the building was destroyed under the current zoning, the property would be required to be re-established as residential with either a single-family home or a duplex.

If the property was rezoned commercial, the applicant would be limited in the ability to expand the square footage of the building due to lack of available land to add additional parking.

Testimony received states there is already a professional/commercial recording studio in Silverton so there isn't a public need for another studio. The Comprehensive Plan and Economic Analysis does not identify how many of each type of business the City should have. Instead it identifies commercial land inventory need and local economic development policies.

5. *The requested designation is consistent with the statewide planning goals*

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

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

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

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

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

Findings: As noted above, the request is consistent with relevant policies and has been found to be more supportive of the plan as a whole than the old designation.

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

Findings: As noted above, there are not relevant area plans in the vicinity of the site.

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

Findings: Testimony received states that if approved there are no guidelines in place for acceptable noise levels, mitigation and hours and days of operation. Changing the property to commercial removes it from the noise disturbance restrictions of the municipal code therefore the authorities would not have the ability to assist the neighborhood with noise complaints. The applicant states the recording studio will be equipped with significant sound mitigation that includes acoustic paneling, partitioning, and dampening. The studio reportedly will be designed to neither allow sound in, nor out. The hours and days of operation will not be enforceable if the property is designated Downtown Commercial Fringe.

The testimony also stated concern for the proximity of the building to the northern property line that is adjacent to a Single-Family Residential property. The issue pertains to the possibility of the neighboring property building an accessory dwelling unit (ADU) located 5' from their property line and concerns that the Majestic was within 1' of the property line not allowing for the 6' fire separation requirements. A 1975 survey show that the Majestic is located 1.5' from the northern property line and with the addition of the 5' ADU setback requirement that would give the minimum 6' separation requirement for the fire code.

The testimony raised concern that the subsequent owners can change to a business that may be more objectionable. If the property is redesignated Downtown Commercial Fringe than any Silverton Development Code permitted use for that zone could be allowed.

As noted above, the designation is consistent with the pattern.

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

Findings: As noted above, the requested zone change will meet a public need of needed land for commercial uses.

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

Findings: The utilities exist adjacent to the site and building is connected to the utilities. The local street network is in place and is capable of continuing to support the use.

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

Findings: The transportation planning rule is not applicable.

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

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

C. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed comprehensive plan amendment and zone change meets all applicable Silverton Development Code Review Criteria and Standards.

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

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

Once the City Council receives Planning Commission's recommendation on the comprehensive plan amendment and zone change, the Council will review the findings and the recommendation in a public hearing.

Staff finds the application, as presented, meets or can meet the applicable City codes and requirements.

Planning Commission Options:

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

ATTACHMENT D: TESTIMONY

Approve the Majestic Rezone (CP-24-04/ZC-24-02)



Hannah Paysinger <hpaysinger@gmail.com>
To Jason Gottgetreu
Cc samuel.heinzman@gmail.com

Reply Reply All Forward ...

Fri 9/20/2024 1:21 PM

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Dear Jason and the Silverton City Hall,

My name is Hannah Paysinger and I'm writing in support of approving the re-zoning of the Majestic Rose from Single Family Residential to Downtown Commercial Fringe.

I grew up in Silverton, and this town and the people in it are very dear to my heart. I believe this zoning change would make a positive impact on the city by fostering community and bringing people together through the shared language and love of music. I can also say with confidence that the owner of the Majestic Rose, Samuel Heinzman, is a responsible, trustworthy, passionate, and hard working community member, who will without a doubt excel in making the Majestic Rose a safe, welcoming, respectful, and economically beneficial business and community venue for all.

Thank you so much for taking the time to review this letter and for your thoughtful consideration in this important matter. Silverton is such a beautiful town, and I believe this change would only enhance its beauty and support its wonderful community to continue thriving.

Sincerely,

--
Hannah Paysinger
971-218-5754
hannahpaysingermusic.com

Approve the Majestic Rezone (CP-24-04/ZC-24-02)



Craig Bazzi <craigbazzi@gmail.com>
To Jason Gottgetreu
Cc Samuel Heinzman

Reply Reply All Forward ...

Sat 9/21/2024 8:21 PM

You replied to this message on 9/23/2024 8:28 AM.

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

We are writing to express our support for the approval of this proposal. We have been residents of Silverton for over 45 years and are quite familiar with this location, the building, the current owner and the proposal being submitted. The "Majestic Rose" is clearly a structure built in a manner consistent with the proposed purpose. It has operated as an event location in the past. The proposed purpose is likely to improve the appeal and nature of our community with no negative impact on the neighborhood.

We request the Planning Commission and City Council approve this request.

Thank you,

Craig and Gail Bazzi
615 Lone Oaks Loop
Silverton, OR 97381



September 15, 2024

Approve the Majestic Rezone (CP-24-04/ZC-24-02)

To Whom It May Concern,

On behalf of the Silverton Arts Association, I am writing to express our wholehearted support for the rezoning of the Majestic Rose Theater. As a local arts organization dedicated to fostering creativity and artistic expression, we believe this gathering space will be an invaluable addition to our community.

The vision for this center aligns closely with our mission to provide accessible and inclusive opportunities for individuals of all ages and backgrounds to engage with the arts. By offering a hospitable recording studio, sound-proofed rehearsal space, and educational programs, this facility will not only nurture local talent but also create a collaborative environment where diverse voices can come together to create and share their work.

In addition to promoting musical talent, the center will undoubtedly have a broader impact on our community. By providing a safe and welcoming space, it will foster connections among residents, contribute to the local cultural landscape, and stimulate economic growth.

We are excited about the prospect of collaborating with the new music community center on future projects, workshops, and events. Our organization is eager to support its initiatives and explore ways we can work together to enhance the cultural life of our community. We are confident that the center will return to being a cherished asset in Silverton.

Thank you for your dedication to advancing the arts in our community. We stand ready to support the Majestic Rose and owner Samuel Heinzman as the project moves forward. Please feel free to reach out to us if there are ways we can assist in the development and promotion of this important endeavor.

Sincerely,

Michael Turner
Board Member/Silver Falls Film Festival Founder
Silverton Arts Association
info@silvertonarts.org • (503) 873-2480

Approve the Majestic Rezone (CP-24-04/ZC-24-02)



john friedrick <jhfriedrick@gmail.com>
To Jason Gottgetreu
Cc Samuel Heinzman

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Thu 9/26/2024 12:38 PM

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Hello!

I live at 508 Oak Street here in Silverton, and I pastor at Oak Street Church (502 Oak St.) both locations are nearby neighbors of Samuel Heinzman and the Majestic Rose Theater building.

I'm writing in support of the zoning change for this property. Sam has been a great neighbor and I know that he will proceed in a way that takes the wellbeing of his neighborhood into account. His vision for this property aligns with my personal, and Oak Street Church's, goals of building and deepening community networks in Silverton. We are in full support of this project and hope that the city will approve the changes needed to make it possible.

Thank you,
John Friedrich
Sent from my iPhone

September 30, 2024

To: Silverton Planning Commission
Re: Zone Change CP-24-04/ZC-24-02

Greetings:

I would like to urge support to approve the Majestic Rose building on Mill Street rezone, from Residential. In discussing the issue with the owner, Mr. Samuel Heinzman, I feel that the proposed use would not directly affect the surrounding neighborhood and neighbors; many who in fact support the Zone Change. This would not be a "24/7" operation, instead relying on weekday usage by appointment.

The original use of the building was as an American Legion Hall, which operated for decades. Frankly, that operation in its hay day had a bigger local impact than the proposed Sound Studio. Parking would have minimal if any impact, sound proofing would keep noise well below code standards, and the addition of a new business would in fact be a benefit to the town.

Best regards,

Gus Frederick
401 Silver Street
Silverton, OR 97381
503-779-9378

To: Community Development Director/Planning Commission.
Re: Comprehensive Plan amendment/209 Mill St.
File No.: CP-24-04 & ZC-24-02

Dear Mr. Jason Gottgetreu,

Thank you for your time. This letter is to voice concerns regarding the proposed zone change at 209 Mill St. pursuant to the review criteria 4.12.400 and quasi-judicial 4.7.300 amendments.

Review Criteria 4.12.400

- 1) The property at 209 Mill St. is outside of the Downtown Transition Area.
The requested designation for this site does not support the comprehensive plan, which includes created standards and regulations for the Downtown Transition Area. The plan outlines logical locations for future expansion of some downtown uses, which must also meet the city created guidelines and other standards.

Additionally, the requested change in designation from R-1 is not consistent with the city adopted comprehensive plan and outside of the recently established Downtown Transition Area.
- 2) The building at 209 Mill St. has a "zero lot line" adjacent to 213 Mill St. property.
 - a) Review of Google Maps estimates the structure is over 20' from the street, which is contrary to Silverton commercial design standards.
 - b) A future ADU on 213 Mill St. could be 5' from the subject building, and adversely affected by the commercial designation with noise and possible fire hazard concern.
 - c) The proposed zone change should not benefit from the "grandfathered-in" residential status.
- 3) There is already a professional/commercial recording studio in Silverton called Pine St. Records, meeting the public need for a recording studio.

Review Criteria 4.7.300

- 1) This proposed zone change does not meet or address any of the goals as identified in the 19 statewide planning goals.

Other concerns:

- 1) If approved then subsequent owners can change business to conform to other city approved businesses that might be even more objectionable to adjacent property owners.
- 2) If approved there are no guidelines in place for acceptable noise levels, mitigation and hours/days of operation and parking.

Sincerely,

Greg and Jacqueline Kemp
Owners - 213 Mill St. Silverton
971-601-6520
greg@yourhomebuilder.com



P 503.577.6021
E KATIHOY@GMAIL.COM
P 505 OAK ST. SILVERTON, OR 97381

Planning Commission & Community Development director:

This letter is in regards to the notice of a public hearing for the amendment to change the comprehensive plan designation of 209 Mill Street from Single-Family residential to Commercial with a concurrent zone change to zone the property Downtown Commercial Fringe.

As a direct neighbor to 209 Mill. St. (2 houses away), I am in full support of the change of zoning of this building. I believe this space can be utilized in a way that can benefit our city as a whole, as well as our neighborhood. I do feel that its location is close enough to "downtown" to serve as a commercial fringe zoning.

I am excited to see positive growth and upkeep of the building which impacts my neighborhood as well. I look forward to seeing the transition and am happy to support a new small business in town. If you have any questions or concerns, please reach out via email, or phone and I'd be happy to chat.

Thank you!

Kati Hoy