

SILVERTON PLANNING COMMISSION
WORK SESSION
SILVERTON COMMUNITY CENTER
421 S. WATER STREET
**August 23, 2016 - 6:05 PM OR IMMEDIATELY FOLLOWING THE SPECIAL
MEETING**

AGENDA

I. Roll Call

II. Business From The Floor

Items Not On The Agenda

III. Agenda items

- 3.1 Discussion of Development Code Standards regarding stepping back three story multi-family structures from adjacent single family property.
- 3.2 Discussion of policies to encourage more of a neighborhood character during the development process. The staff presentation will lay out the possible policies for encouraging developers to utilize the Planned Development process over the typical Subdivision process.

IV. 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 Clerk at 503-874-2216 at least 48 hours prior to the meeting.



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

APPLICANT:
CITY OF SILVERTON
306 SOUTH WATER STREET
SILVERTON, OR 97381

STAFF REPORT

CONTACT PERSON:
JASON GOTTGETREU, 503-874-2212

PROCEDURE TYPE IV

LOCATION: N/A

FILE NUMBER: DC-16-01

LAND USE DISTRICT:

ALL

PROPERTY DESCRIPTION:

ASSESSOR MAP#: N/A

LOT #: N/A

SITE SIZE: N/A

ADDRESS: N/A

PROPOSED DEVELOPMENT ACTION: DEVELOPMENT CODE AMENDMENT TO AMEND THE ANNEXATION REVIEW CRITERIA OF SDC 4.10.140 BY ADDITION PROVISIONS THAT REQUIRE A PUBLIC NEED FOR ANNEXATIONS, THAT THERE BE A CRITERIA REGARDING THE TIMELINESS OF AN ANNEXATION, AND THAT IT BE REASONABLE AND IN THE PUBLIC INTEREST.

DATE: AUGUST 17, 2016

- Attachments
- A. Review Criteria
 - B. Amended Code Language
 - C. Staff Report
 - D. Testimony

ATTACHMENT A: REVIEW CRITERIA

REVIEW CRITERIA: Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in SDC 4.1.500. Amendments to the comprehensive plan, and amendments to the zoning and development code or zoning map necessitating a comprehensive plan amendment, may be approved if the city council finds that the change is consistent with the following criteria:

- A. The 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;
- B. The amendment conforms to the transportation planning rule provisions as implemented through SDC 4.7.600; and
- C. The amendment is in the public interest; for example, it is needed to meet changing conditions or new laws.

ATTACHMENT B: AMENDED CODE LANGUAGE

The City's existing review criteria for annexations are as follows:

4.10.140 Review criteria.

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

- A. Adequacy of access to the site; and
- B. Conformity of the proposal with the city's comprehensive plan; and
- C. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extension or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and
- D. The new area will meet city standards for any public improvements which may be necessary to serve the area (including but not limited to streets, including sidewalks, sanitary sewer, water, storm drainage); and
- E. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
- F. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and
- G. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
- H. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and
- I. Shall be in compliance with applicable sections of ORS Chapter 222; and
- J. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed; and
- K. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the comprehensive plan as open space or as significant scenic, historic or natural resource areas; and
- L. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

The proposed amendments are as follows. Additional language in J in italics.

- J. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed *by applicant's conceptual development plan.*; and
- M. If the proposed area for annexation is to be residentially zoned, there is 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 5 year supply but less than an 8 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 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.
- N. Promotes the timely, orderly and economic provision of public facilities and services.
- O. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

ATTACHMENT C: STAFF REPORT, DC-16-01

FINDINGS OF FACT

A. Background Information:

1. 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.
2. The City Council directed Staff to initiate a Development Code amendment process to ensure the annexation process will be adequate to address the health, safety, and welfare of the citizens of Silverton and to protect and enhance the city's aesthetic beauty and character.

B. Silverton Development Code (SDC):

Section 4.7.200

Legislative Amendments

- A. *The 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;*

Findings: The Development Code Amendment is to ensure the annexation process will be adequate to address the health, safety, and welfare of the citizens of Silverton and to protect and enhance the city's aesthetic beauty and character.

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 City's 20 year population projection for a 2035 population is 15,532, as adopted in the City's Water Master Plan and Storm Water Master Plan. Based on a 2015 population of 9,590, an average growth rate of 2.44% would reach a population of 15,532 by 2035. A recent buildable lots inventory compiled by staff indicates 90 existing buildable lots and 48 lots currently in process of being created. There are 21 lots that are large enough in size to be subdivided. These lots account for 153 acres of land. It is estimated this represents an additional 470 lots within the existing City Limits. There are approximately 608 potential lots within the existing City Limits. To accommodate a 2.44% growth rate, approximately 90 homes would have to be constructed each year, though this would increase over time. The existing lot supply within the City Limits represents a 6 ³/₄ year supply of residential lots. The subdivision process, from the time of an application submittal, to constructing the roads and

utilities, to finalizing the Final Plat, varies from project to project, but averages about 2.5 years. The City has adequate land within the existing City Limits to meet anticipated future demand without the need to annex additional land for approximately 3-4 years. However, just having developable land within the City Limits does not guarantee that it will develop in a timely manner to meet housing demand. Providing adequate land to meet anticipated future demands for urban development in a logical and orderly manner can be interpreted to mean only adding land to the City Limits when it is necessary for the land to develop to meet the 20 year population projection based on the annual growth rate and that adding land too quickly is not logical or orderly due to speeding up the timeline for capital projects necessary to serve future populations and reaching the 20 year population number at a faster growth rate and timeline than planned for. A five year supply of vacant or redevelopable land equates to 113 acres of R-1 zoned land and an eight year supply of vacant or redevelopable land equates to 180 acres of R-1 zoned land. It should be noted that all the vacant or redevelopable land within the City is zone R-1. The intent of the annexation review criteria update is to meter population growth to achieve the 20 year population in 20 years.

The Goal of the Housing element is 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. Encouraging a “small town” environment is an ambiguous statement that can be interpreted by the Planning Commission and City Council. The intent of the annexation review criteria update is to meter population growth to achieve the 20 year population in 20 years.

The amendment is being reviewed as a Type IV procedure with a Public Hearing in front of the Planning Commission and a Public Hearing in front of the City Council where any citizen may comment on the application. The City is reviewing the code amendment with conformance with the acknowledged Silverton Comprehensive Plan and the established land use planning process and policy framework. The City does not have any agricultural land designations or any designated forest lands. The City of Silverton has an adopted Parks and Recreation Master Plan that address open space and recreational needs. The Parks and Rec Master Plan determined the need for open space based on a 20 year population projection estimate. The intent of the annexation review criteria update is to meter population growth to achieve the 20 year population in 20 years, thereby being consistent with the Parks and Recreation Master Plan. The City also has a Waste Water Master Plan and Storm Water Master plan that utilize a 20 year population growth number. The City of Silverton has a Hillside Overlay District that regulates lands with slopes in excess of 12% as well as a Floodplain Overlay that regulates lands within the Floodplain. The updated criterion now requires more illustration in concept plans to address natural hazards as part of the annexation. The City has develop Public Facility plans to develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Each plan has the same 20 year population projection. Providing adequate land to meet anticipated future demands for urban development in a logical and orderly manner can be interpreted to mean only adding land to the City Limits when it is necessary for the land to develop to meet the 20 year population projection based on the annual growth rate and that adding land too quickly is not logical or orderly due to speeding up the timeline for capital projects necessary to serve future populations and reaching

the 20 year population number at a faster growth rate and timeline than planned for. The intent of the annexation review criteria update is to meter population growth to achieve the 20 year population in 20 years. The Urban Growth Boundary has sufficient amounts of land designated to urbanize. The Master Plans adopted to manage the growth have taken into account the growth policy of the area, the population forecast and the carrying capacity of the area. The population forecast is based on a 20 year population growth with the growth policy being to reach the 20 year population in 20 years. Local land use controls should integrate the timing of public facilities and service in a manner to accommodate increased public demands. The intent of the annexation review criteria update is to meter population growth to achieve the 20 year population in 20 years.

The City does not have any Estuarine Resources, Coastal Shorelands, Beaches and Dunes, Ocean Resources, and is not located on the Willamette River.

The West Side Land Use and Transportation Plan is a planning document adopted by the City Council to address growth in the west side of Silverton. The vision of the plan includes providing a mixture of single family and cottage style multi-family and senior housing that is well connected to schools, parks, and other amenities.

Based on the above findings, the criterion is met.

B. The amendment conforms to the transportation planning rule provisions as implemented through SDC 4.7.600; and

Findings: The code amendment does not significantly affect a transportation facility thereby making the transportation planning rule not applicable. The amendments will allow the 20 year planning period and population growth to occur as assumed in the Transportation System Plan. The criterion is met.

C. The amendment is in the public interest; for example, it is needed to meet changing conditions or new laws.

Findings: This update is in the public interest to ensure the annexation process will be adequate to address the health, safety, and welfare of the citizens of Silverton and to protect and enhance the city's aesthetic beauty and character by allowing the 20 year population growth to happen over the next 20 years. The additional local control is necessitated due to a new law, SB 1573 that removed a local of control of regulating annexations. The criterion is met.

III. SUMMARY AND CONCLUSION

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

The Planning Commission shall prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative

Planning Commission Options:

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

Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the community development director or designee before the council public hearing on the proposal. The community development director or designee shall send a copy to each council member and place a copy in the record;

ATTACHMENT D: TESTIMONY

None Received.