

CITY OF SILVERTON
ORDINANCE
17-01

AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 0.815 ACRES OF LAND LOCATED AT 13793 HOBART ROAD INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 061W26B TAX LOT 02700

WHEREAS, the City of Silverton has been petitioned for the annexation of 0.815 acres of land located at 13793 Hobart Road into the City Limits of the City of Silverton, Oregon and zoning the property R-1, Single Family Residential. Marion County Assessor's Map 061W26B Tax Lot 02700; and

WHEREAS, the area proposed for annexation is described as follows:

Commencing at a point in the North line of the Donation Land Claim of James Brown and wife, in Township 6 South, Range 1 West, of the Willamette Meridian, in the County of Marion and State of Oregon, which is North 89 24' West, 7.70 chains from an iron pin at the Southeast corner of lands formerly owned by A.F. Hobart and described in deed recorded in Volume 146, Page 192, of the Deed Records for Marion County, Oregon, said commencing point being also South 89 24' East and 46.69 chains distant from the Northwest corner of the said Brown claim;

Thence North 89 24' West along the said claim line 2.25 chains;

Thence North 05 West, 4 chains;

Thence South 89 24' East, 2.25 chains;

Thence South 05 East, 4.00 chains to the place of beginning.

NOW, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Legislative Annexation. In accordance with ORS 222.120:

(1) The Silverton City Council cannot submit this proposal for annexation of territory to the electors of the city for their approval or rejection. A public hearing before the Council was held January 9, 2017, at which time the electors of the city had an opportunity to appear and be heard on the question of annexation.

(2) The area described above and as shown on Exhibit "B" is hereby annexed to the City of Silverton, effective February 8, 2017.

Section 2: **Consent to Annexation.** In accordance with ORS 222.125 the Council finds there is no need to hold an election in the city or in any contiguous territory proposed to be annexed as all of the owners of land in that territory, and not less than 50 percent of the electors, if any, residing in the territory, have consented in writing to the annexation of the land in the territory and statement of their consent is filed with the Council.

Section 3: **Timing of Consents.** The Council finds that only statements of consent to annexation which are filed within any one-year period prior to the hearing have been submitted and describes the 0.815 acres of real property, all located in Marion County, Oregon that shall be annexed to the City of Silverton upon recording with the Secretary of State.

Section 4: **Notice to Utilities.** In accordance with ORS 222.005 the City Recorder shall, no later than 10 working days after passage of this ordinance approving the proposed annexation, provide by certified mail to all public utilities, electric cooperatives and telecommunications utilities operating within the city, each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the City Council's resolution or ordinance approving the proposed annexation.

Section 5: **Notice to County.** In accordance with ORS 222.010, the City Recorder shall report to the Marion County Clerk and County Assessor all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines.

Section 6: **Assessor Valuation.** In accordance with ORS 222.030 the Recorder shall request that the Assessor shall furnish within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.

Section 7: **Notice to Secretary of State.** In accordance with ORS 222.177 the City Recorder shall transmit to the Secretary of State:

- (1) A copy of this ordinance proclaiming the annexation.
- (2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.
- (3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.
- (4) A copy of the ordinance issued under ORS 222.120 (4).
- (5) An abstract of the vote upon the referendum, if a referendum petition was filed, with respect to the ordinance adopted under ORS 222.120.

Section 8: **Effective date.** In accordance with ORS 222.180 the effective date of annexation shall be February 8, 2017.

Section 9: **Exhibits.** The City Council adopts the Findings of Fact, attached hereto as “Exhibit A”, a map of the area being annexed as Exhibit “B”, and by this reference all incorporated herein.

Section 10: **Zone designation.** Upon annexation the property shall have a City of Silverton zoning designation of **R-1 (Single Family Residential)**.

Ordinance adopted by the City Council of the City of Silverton, this 9th day of January, 2017.



Mayor, City of Silverton
Rick Lewis

ATTEST



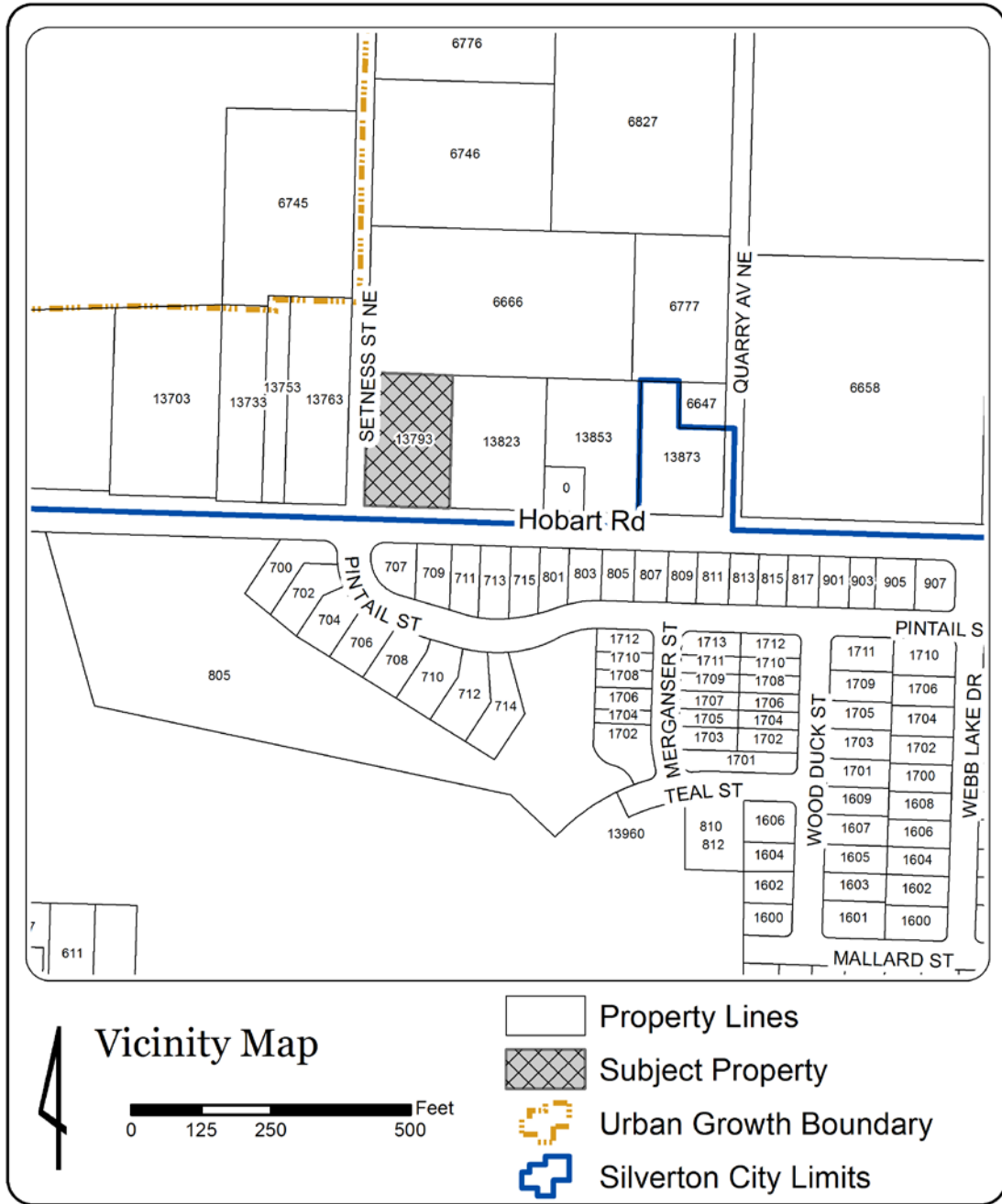
City Manager/Recorder, City of Silverton
Bob Willoughby

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-16-04

Vicinity Map and Surrounding Land Use Districts

- North – UT-5, Urban Transition – 5 Acre
- East – UT-5, Urban Transition – 5 Acre
- South – R-1, Single Family Residential
- West – UT-5, Urban Transition – 5 Acre



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; 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.

ATTACHMENT B: APPLICANT'S FINDINGS

Narrative. Explain the conditions surrounding the proposal and address the factors contained in the Review Criteria, as relevant, including:

Opening Remark – The subject property, 13793 Hobart Road, NE, has no current development plans for the property as part of the annexation; rather the annexation is being sought to alleviate problems arising from surface groundwater (specifically in times of high precipitation) that interfere with property's septic system. This problem has been exacerbated since the development of Webb Lake south of the subject property. So the request for annexation is for health reasons, rather than expanded development.

- a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities; and
 - Subject property is currently connected to city water. Consultation with City Planning indicates that sewer is accessible south side of Hobart on Pintail Street. A city rain collection grate exists on the south property line of the property on north shoulder of Hobart road. Residents of the single-family home on the subject property currently attend city schools and use city parks and transportation.
- b. Statement of increased demand for such facilities to be generated by the proposed development; and
 - No additional burden to the city infrastructure is anticipated of annexing the single-family home on the subject property.
- c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.
 - No additional facilities should be required to meet the demand of annexing the single-family home on the subject property.
- d. Statement outlining method and source of financing required to provide additional facilities, if any; and
 - While no additional facilities are anticipated, the owner/applicant has sufficient funds to pay for connection to sewer line noted by City Planning, without resort to lender financing.
- e. 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
 - Since no development is anticipated, no development concept or methods exist. However, the annexation will serve the community by avoiding potential health issues due to the surface groundwater interference with subject property's septic system by allowing a connection to city sewer services.
- f. 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 sub-community or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any; and
 - Generally, the subject property single family home and residents already contribute to the physical, aesthetic and related social aspects of the community. The owner/applicant improved the property exterior and interior from many years of deferred maintenance, and has attempted to transform the property to that which would be an asset to the neighborhood. The applicant does not foresee any negative effects to the community due to the annexation.

- g. Statement indicating the type and nature of any comprehensive plan text or map amendments that may be required to complete the proposed development.
- No changes to comprehensive plan text or map amendments should be required as part of this annexation, except for those that may arise with any annexation. Applicant would submit that this is a small annexation, and since for health purposes, would be equivalent to a “low documentation” change for the City Planning, and other City services.

In addition, explain how the proposed annexation meets **each and all** of the following review criteria in sufficient detail for review and decision-making:

1. Adequacy of access to the site; and
 - Access is already available to subject property from Hobart Road (south), as well as access from Setness Road (west).
2. Conformity of the proposal with the City’s Comprehensive Plan; and
 - The subject property is within the Urban Growth Boundaries of the city. All other aspects of this annexation proposal conform to the Comprehensive Plan.
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
 - Public facilities, services and transportation networks in place are anticipated to be sufficient to meet the needs of this annexation proposal, and no additional extensions or upgrading of such facilities are anticipated.
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
 - Existing public improvements (sidewalks, sanitary sewer, water, storm drainage and other improvements) should be sufficient to serve this small annexation. The annexation proposal is submitted for health reasons (sanitary sewer) rather than development purposes.
5. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
 - The subject property is within the City’s urban growth boundaries on the zoning map, is contiguous with the City – due west of the City limit on Hobart Road. It is understood that the City intends to annex this property and neighboring properties at some time in the future.
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
 - Subject property is in the urban growth property, as well as an annexation will solve a health issue due to ground water interfering with existing septic system.
7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and

- Subject property is a single-family dwelling consistent with neighboring properties both within the City limits and unannexed property within the urban growth boundary contiguous or near the subject property.
8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and
- The annexation of the subject property is directly consistent with the applicable goals and policies of the Silverton Comprehensive Plan, and appears to be anticipated within that plan.
9. Shall be in compliance with applicable sections of ORS Chapter 222; and
- Annexation shall comply with all section of ORS Chapter 222.
10. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and
- No known natural hazards are known by applicant on the subject property.
11. Urbanization of the subject property shall not have a significant adverse effect on areas identified of designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas; and
- Property improvements on the subject property already exist, so no such adverse effects should be caused by this annexation proposal.
12. Economic impacts which are likely to result from the annexation shall be evaluated in light of 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.
- As the subject property and residents already are part of the City of Silverton's social, economic and physical environments, so no negative effects can be anticipated from this annexation proposal. At worse, the effect on those environments will be neutral and remain status quo. There may be some positive economic impact as the property will contribute to the City economic system through assessment of property taxes.



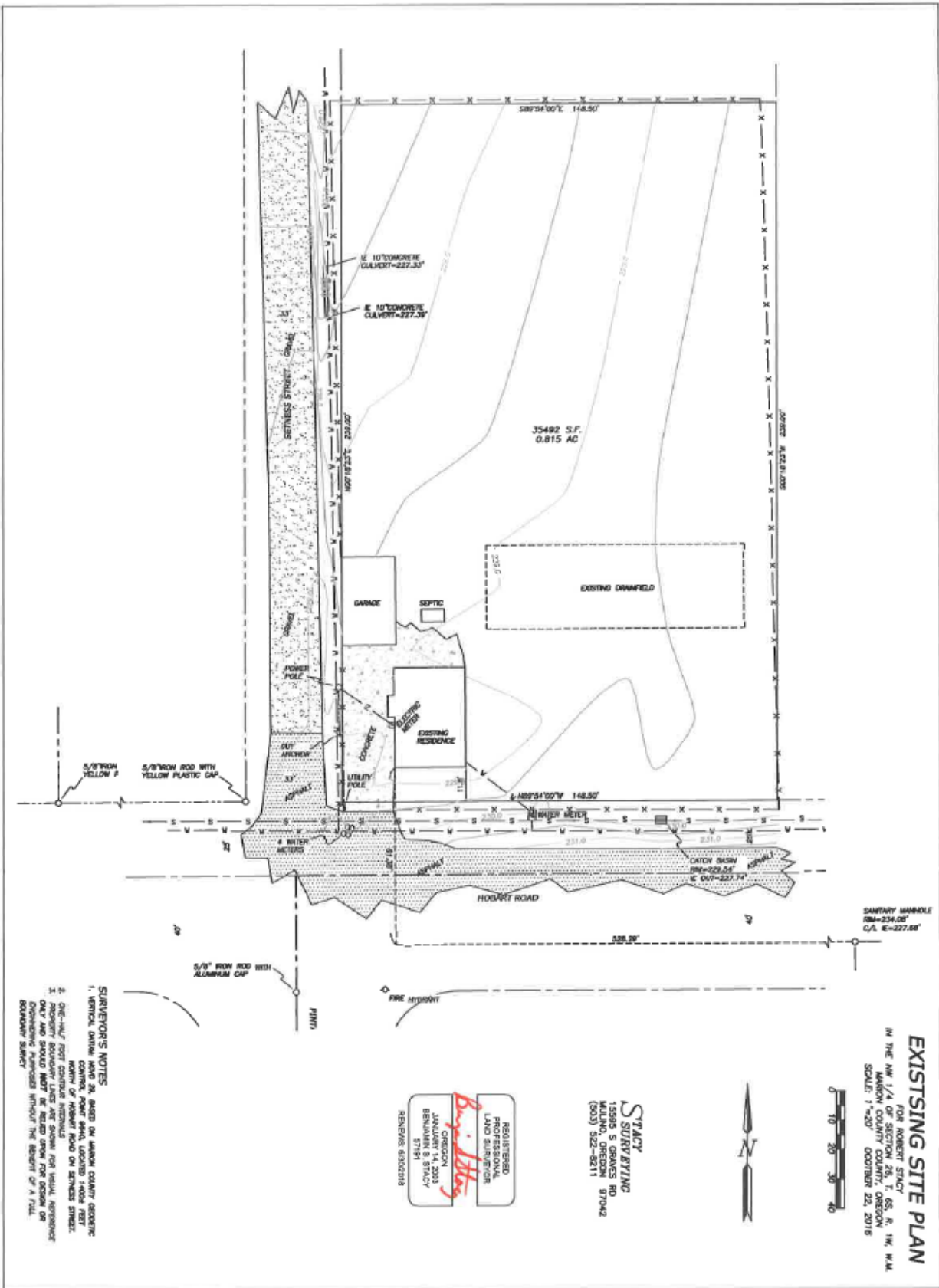
EXISTING SITE PLAN
 FOR ROBERT STACY
 IN THE NW 1/4 OF SECTION 26, T. 6S, R. 1W, W.M.
 MARION COUNTY, OREGON
 SCALE: 1"=20' OCTOBER 22, 2015



STACY SURVEYING
 15545 S. GRAVES RD.
 MADRAS, OREGON 97542
 (503) 522-9211

REGISTERED PROFESSIONAL LAND SURVEYOR
Ben Stacy
 JUNE 11, 2003
 BENJAMIN S. STACY
 57181
 PERMITS: 815020215

- SURVEYOR'S NOTES**
1. GENERAL DIMEN. NOTED ARE BASED ON MARION COUNTY GEODETIC CONTROL DATA.
 2. DIM-ALL FT. CONTROL INTERVALS.
 3. PROPERTY BOUNDARY LINES ARE SHOWN FOR VISUAL REFERENCE ONLY AND SHOULD NOT BE RELIED UPON FOR DESIGN OR CONSTRUCTION PURPOSES WITHOUT THE BENEFIT OF A FULL SURVEYOR'S SURVEY.



1. VERTICAL CURVE: 1800' 20" RADIUS ON MARION COUNTY GEODEIC CONTROL POINT SHAL, LOCATED 140' WEST PROPERTY OF HOODYT ROAD ON SIDEWALK STREET.
 2. ONE-HALF" ROOF CONTRAIL INTERMEDIATE POINTS SHALL BE SETTED FROM THE DEGREE OR OBLIQUEING PURPOSES WITHOUT THE ASSISTANCE OF A FULL BOUNDARY SURVEY

SURVEYOR'S NOTES

1. VERTICAL CURVE: 1800' 20" RADIUS ON MARION COUNTY GEODEIC CONTROL POINT SHAL, LOCATED 140' WEST PROPERTY OF HOODYT ROAD ON SIDEWALK STREET.
 2. ONE-HALF" ROOF CONTRAIL INTERMEDIATE POINTS SHALL BE SETTED FROM THE DEGREE OR OBLIQUEING PURPOSES WITHOUT THE ASSISTANCE OF A FULL BOUNDARY SURVEY

Bruce Stacy
 REGISTERED PROFESSIONAL LAND SURVEYOR
 JUNE 14, 2003
 BENJAMIN S STACY
 5789
 NEWBERG, OREGON

STACY SURVEYING
 15595 S GRENDS RD
 TUALUM, OREGON 97042
 (503) 852-5511



EXISTING SITE PLAN
 FOR ROBERT STACY
 IN THE NW 1/4 OF SECTION 26, T. 6S. R. 1W. K.M.
 MARION COUNTY, OREGON
 SCALE: 1"=20' OCTOBER 22, 2018
 SANITARY MANHOLE
 1804-254.00'
 C/A 6°-237.68"