



**CITY OF SILVERTON – PLANNING COMMISSION  
REGULAR MEETING**  
Silverton City Council Chambers  
421 S. Water Street  
**June 11, 2019 - 7:00 PM**

**AGENDA**

**I. ROLL CALL**

**II. MINUTES** – Minutes from the Meeting held April 9, 2019

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

**IV. PUBLIC HEARINGS**

**4.1 202 N James Street Comprehensive Plan and Zone Change CP & ZC -19-01**

Comprehensive Plan Map Amendment to designate 202 North James Street Multiple-Family Residential with a concurrent Zone Change to zone the property Multiple-Family Residential (RM-10). This will allow the existing tri-plex to be reconstructed if destroyed by any means. The RM-10 zoning district allows densities between 10-20 units per acre. 202 James Street is 0.21 acres in size which would allow between 2 and 4 dwellings on the site. Located on the northeast corner of the intersection of Pine Street and N James. The application will be reviewed following the criteria found in Silverton Development Code sections 4.12.400 & 4.7.300.

**4.2 Development Code Amendment DC-19-02**

Development Code Amendment to more specifically incorporate the City's Transportation System Plan, Water Master Plan, Storm Water master Plan, and Sanitary Sewer Master Plan into the Development Code, including language regarding intersection level of service standards. The application will be reviewed following the criteria found in Silverton Development Code section 4.7.200.

**VI. REPORTS AND COMMUNICATIONS**

**VII. ADJOURNMENT**

*Written comments may be filed with the Community Development Department, prior to the Public Hearing or you may attend the Hearing and testify in person or in writing on these applications. Additional information and/or review of this application may be obtained at Silverton City Hall, 306 South Water Street or by contacting the Community Development Department at (503) 874-2207. Copies of the staff report will be available seven (7) days prior to the public hearing. All documents will be available on our website at [www.silverton.or.us](http://www.silverton.or.us).*

**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.*

Attachment 2 to Agenda Item No. 6.1

CITY OF SILVERTON  
PLANNING COMMISSION MINUTES

*Drafted for approval; subject to change and/or correction*

7:00 P.M.

APRIL 9, 2019

The Planning Commission of the City of Silverton met at the Silverton Community Center on April 9, 2019 at 7:00 p.m. with Chairman Flowers presiding.

**I. ROLL CALL:**

Present	Absent	
<u>X</u>		Chairman Clay Flowers
	<u>Excused</u>	Vice-Chairman Gus Frederick
<u>X</u>		Morry Jones
<u>X</u>		Chris Mayou
<u>X</u>		Rich Piaskowski
<u>X</u>		Tasha Huebner
<u>X</u>		Peter Matzka

**STAFF PRESENT:**

Community Development Director, Jason Gottgetreu and Planning and Permit Assistant, Kate Schlee.

**II. APPROVAL OF THE MINUTES FROM THE MEETING HELD MARCH 12, 2019:**

Commissioner Mayou moved to approve the Minutes of March 12, 2019 as presented. Commissioner Jones seconded the motion and it carried unanimously.

**III. BUSINESS FROM THE FLOOR:**

There were no comments.

**IV. AGENDA ITEMS:**

**4.1 Development Code Amendment DC-19-01**

Chairman Flowers opened the public hearing to order at 7:02 p.m., and asked if any members wished to abstain, for declarations of ex parte contacts and conflicts of interest. No Commissioners abstained, declared ex parte contacts or conflicts of interest.

Chairman Flowers reviewed the Public Hearing procedures and asked for public testimony. There were no audience members present.

1 Community Development Director Jason Gottgetreu used a PowerPoint presentation to explain  
2 the background and processes associated with the proposed legislative amendment to the  
3 Development Code for the allowed uses in Residential Districts SDC 2.2.110.

4  
5 Commissioner Matzka asked where the logo restriction for equipment originated. Director  
6 Gottgetreu explained that it is a carry-over from a related, but different standard where cities  
7 have been looking at regulating these types of facilities within the right-of-way. The types of  
8 antennas being discussed are not proprietary to any specific service so a proposed vendor would  
9 have to add their logo to the antenna. Commissioner Matzka expressed that he hadn't thought of  
10 it in terms of the right-of-way and that he supports the restriction.

11  
12 Commissioner Mayou asked if this topic was on the city council agenda. Director Gottgetreu  
13 explained that there are two tracts that are being worked on simultaneously. The current topic,  
14 which is smaller facilities located on private property. The council is considering somewhat  
15 larger facilities within the right-of-way. The FCC adopted an order that is forcing the city's hand  
16 regarding what they can and cannot regulate within the right-of-way for the 5G roll-out.

17  
18 Commissioner Mayou proposed that on Number 10 the statement be added to say "and which are  
19 not intended for 5G service."

20  
21 Commissioner Piaskowski asked if the distances listed for the 45 decibel restriction are  
22 consistent with other noise ordinances. Chairman Flowers made a point that the statement should  
23 be 45 decibels within any adjacent residential dwelling.

24  
25 Commissioner Piaskowski also asked for clarification as to where the five foot height is  
26 measured. Director Gottgetreu answered that the five foot height given is the overall height of  
27 the antenna including the support equipment, regardless of where on the structure the antenna is  
28 located.

29  
30 Commissioner Huebner asked if the noise restrictions were necessary. Director Gottgetreu  
31 responded that if the noise requirement was not included in the proposed section the chapter  
32 eight nuisance section of the code would still apply. There was a discussion about the process if  
33 there was a noise complaint.

34  
35 **Applicants Testimony:** None

36  
37 **Public Testimony:** None

38  
39 **Proponent Testimony:** None

40  
41 **Opponent Testimony:** None

42  
43 **Neutral Testimony:** None

44  
45 **Written Testimony:** None

1 **Rebuttal:**

2  
3 Commissioner Mayou moved to close the public hearing. Commissioner Piaskowski seconded  
4 the motion. Chairman Flowers closed the Public Hearing at 7:29 p.m.

5  
6 All members were in favor of the added language for Number 10.

7  
8 Commissioner Mayou moved to recommend to the city council approval of the proposed  
9 development code amendment. Commissioner Matzka seconded the motion and it carried 6-0.

10  
11 **Amendments to conditions:**

12  
13 The statement be added to Number 10 stating “and which are not intended for 5G service.”

14  
15  
16 **V. REPORTS AND COMMUNICATIONS**

17  
18 Director Gottgetreu reminded the commission members that the SEI Ethics Form is due on April  
19 15<sup>th</sup>. Commissioner Piaskowski still needs to complete the form.

20  
21 The city council is planning another discussion with the Citizen Involvement Committee, which  
22 is technically the planning commission, during a joint work session on Tuesday May 28<sup>th</sup> at 7:00  
23 p.m.

24  
25 Currently, there is nothing scheduled for the regular meeting on May 14<sup>th</sup>.

26  
27 Oral arguments are scheduled for next week by the Land Use Board of Appeals on the James  
28 Street appeal.

29  
30 ODOT presented to the city council the project cost increases associated to the sidewalks and  
31 bike lanes between Peach and Pioneer streets along south Water.

32  
33 The consultants working on the Eugene Field project are preparing high level draft concepts to  
34 present to city council. They will probably go before the planning commission in June or July.  
35 For now, the site will be hydro-seeded.

36  
37 **ADJOURNMENT**

38  
39 The Meeting adjourned at 7:40 p.m.

40  
41 Respectfully submitted,

42  
43  
44  
45 /s/ Kate Schlee,  
46 Planning and Permit Assistant



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

**APPLICANT:**

DAVID WILLIS

PO BOX 653

SILVERTON, OR 97381

## STAFF REPORT

**PROCEDURE TYPE** IV

**FILE NUMBER:** CP & ZC-19-01

**LAND USE DISTRICT:**

R-1, SINGLE FAMILY RESIDENTIAL

**PROPERTY DESCRIPTION:**

**ASSESSOR MAP#:** 061W34AA

**LOT #:** 03900

**SITE SIZE:** 0.21 ACRES

**ADDRESS:** 202 N JAMES STREET

**OWNER:**

MARK ELLINGSON

4242 SILVER FALLS DR N

SILVERTON, OR 97381

**LOCATION:** LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF PINE STREET AND N JAMES STREET.

**PROPOSED DEVELOPMENT ACTION:** COMPREHENSIVE PLAN MAP AMENDMENT TO DESIGNATE 202 NORTH JAMES STREET MULTIPLE-FAMILY RESIDENTIAL WITH A CONCURRENT ZONE CHANGE TO ZONE THE PROPERTY MULTIPLE-FAMILY RESIDENTIAL (RM-10). THIS WILL ALLOW THE EXISTING TRI-PLEX TO BE RECONSTRUCTED IF DESTROYED BY ANY MEANS. THE RM-10 ZONING DISTRICT ALLOWS DENSITIES BETWEEN 10-20 UNITS PER ACRE. 202 JAMES STREET IS 0.21 ACRES IN SIZE WHICH WOULD ALLOW BETWEEN 2 AND 4 DWELLINGS ON THE SITE.

DATE: JUNE 4, 2019

Attachments

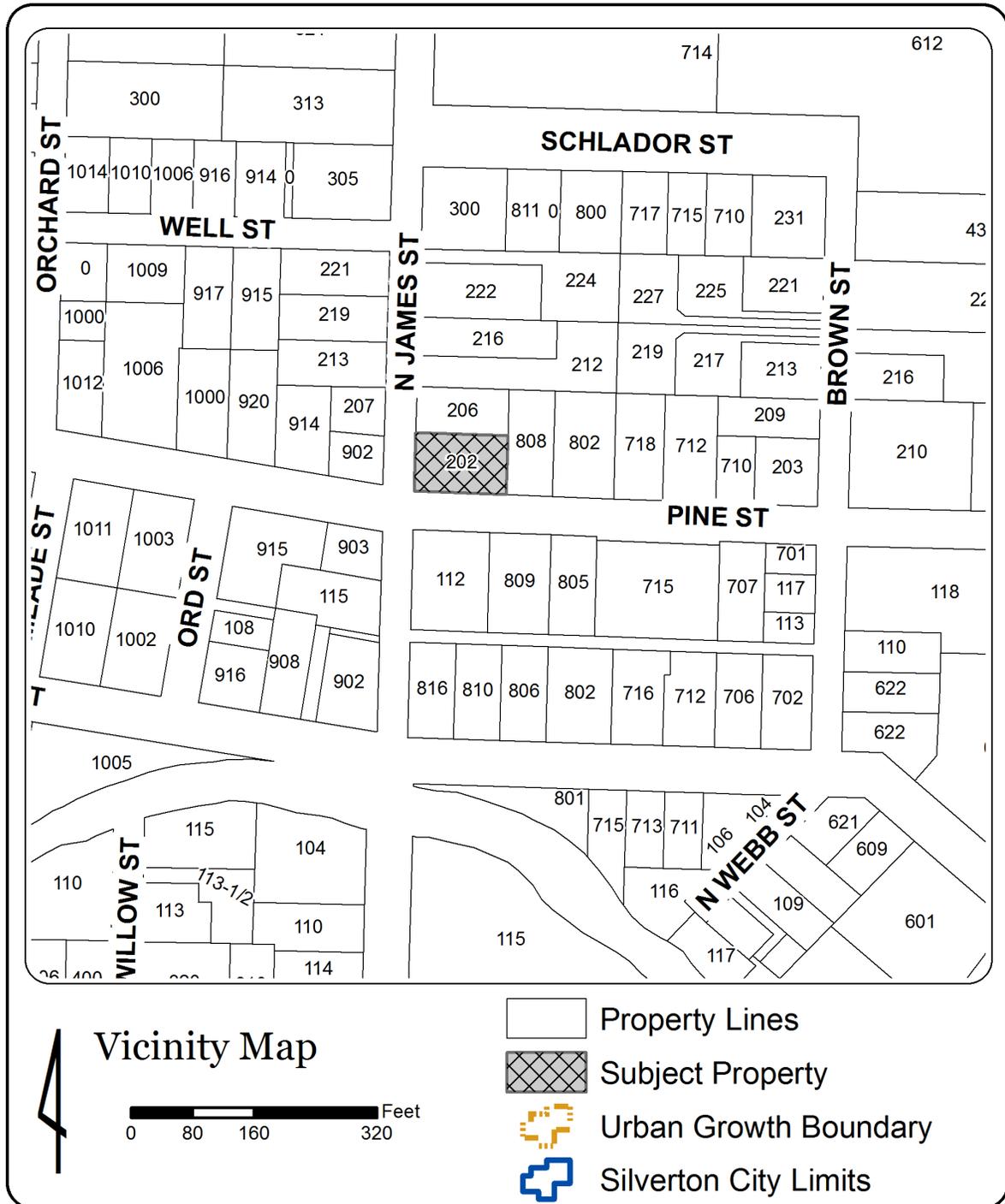
- A. Vicinity Map and Review Criteria
- B. Applicant's Narrative
- C. Staff Report
- D. Testimony

# ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

## Case File: CP & ZC-19-01

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 – 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

March 11, 2019

Narrative for 202 N James St Triplex

- 1) Comprehensive Plan Amendment Application
- 2) Zone Map and Development Code Text Amendment Application

We submit this proposal and applicable applications for the purpose of bringing said property into non-conditional use status within the current regulations of the City of Silverton.

It is our understanding that without these applied for amendments, should disaster strike, we would not be allowed to rebuild a replacement structure in our current configuration of a triplex (multi family use).

We appreciate your consideration and review of this request and application.

David Willis

Mark and Linda Ellingson

Handwritten signatures of Mark and Linda Ellingson. The signature for Mark Ellingson is written in a cursive style, and the signature for Linda Ellingson is written below it in a similar cursive style.

# ATTACHMENT C: STAFF REPORT, CP-19-01

## FINDINGS OF FACT

### A. Background Information:

1. The applicant submitted an application on April 26, 2019 requesting to designate 202 North James Street Multiple-Family Residential on the Comprehensive Plan Map with a concurrent Zone Change to zone the property Multiple-Family Residential (RM-10). This will allow the existing tri-plex to be reconstructed if destroyed by any means.
2. Notice was mailed to all property owners within 700 feet of the subject area on May 22, 2019. The notice was published in the Silverton Appeal on May 29, 2019. The site was posted on May 31, 2019.

### 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 April 26, 2019. A public notice for this request was mailed to all property owners within 700 feet of the site on May 22, 2019. The notice was published in the Silverton Appeal on May 29, 2019. The site was posted on May 31, 2019. The application will be before the Planning Commission on June 11, 2019 and will be before the City Council on July 1, 2019.

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:** 202 North James Street is a 9,210 square foot lot (0.21 acres) located at the intersection of James Street and Pine Street and is zoned R-1, Single Family Residential. The site is developed with a tri-plex. The structure was originally built in 1901 and was previously a general store and then converted into 3 apartments. This structure appears to be a Nonconforming Development and subject to Section 5.2.300 of the Silverton Development Code. Nonconforming development may remain on the site so long as it remains otherwise lawful. Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 70 percent of its current value as assessed by the county assessor, it shall be reconstructed only in conformity with this code. The current R-1 regulations consider 3 units on one lot to be defined as a multifamily development. Multifamily developments are Not Permitted in the

R-1 zone. If the existing structure were damaged by any means, the tri-plex would not be allowed to be re-built.

The applicant is requesting a Comprehensive Plan Amendment to designate the property Multiple-Family Residential with a concurrent Zone Change to zone the property Multiple-Family Residential (RM-10). The RM-10 zone allows development densities from 10-20 units per acre. The site is 0.21 acres in size. The requested zoning designation will allow the site to be redeveloped with 2-4 units, provided the development is in conformance with other applicable standards in the Development Code such as on-site parking and landscaping. Any expansion of the tri-plex to a four-plex would require Design Review, which would require additional public notice, to ensure compliance with applicable standards.

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 existing dwelling units to be rebuilt, the need for additional housing will decrease by 2 units should the existing structure have to be replaced. A Policy of the Urbanization element indicates that multiple family development will be encouraged, especially in but not limited to, areas close to the central business district, or within walking distance of neighbourhood commercial area, or in areas designated for mixed use. 202 North James Street is located about 0.4 miles from the Downtown, within easy walking distance, meeting the aforementioned policy.

An Objective of the Housing element of the Comp Plan is to encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes. The majority of dwellings in Silverton are single family residences. Allowing the existing tri-plex to be reconstructed as a tri-plex or four-plex instead of a single family home preclude diminishing the limited stock of multifamily housing types.

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.*

**Findings:** 202 North James Street 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:** 202 North James Street is located in an area that is a mixture of Single Family, Multi-Family and Public Zoning. Additional land designated and developed with multifamily uses exists 140’ to the east of the site. The properties on Brown Street between Pine Street and Schlador Street are zoned for multi-family uses. The site is already developed with a tri-plex. Any redevelopment on the site is would be limited to four dwelling units, which would have a similar impact on the area as the existing structure. 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 following is an analysis of the remaining properties zoned for multi-family development.

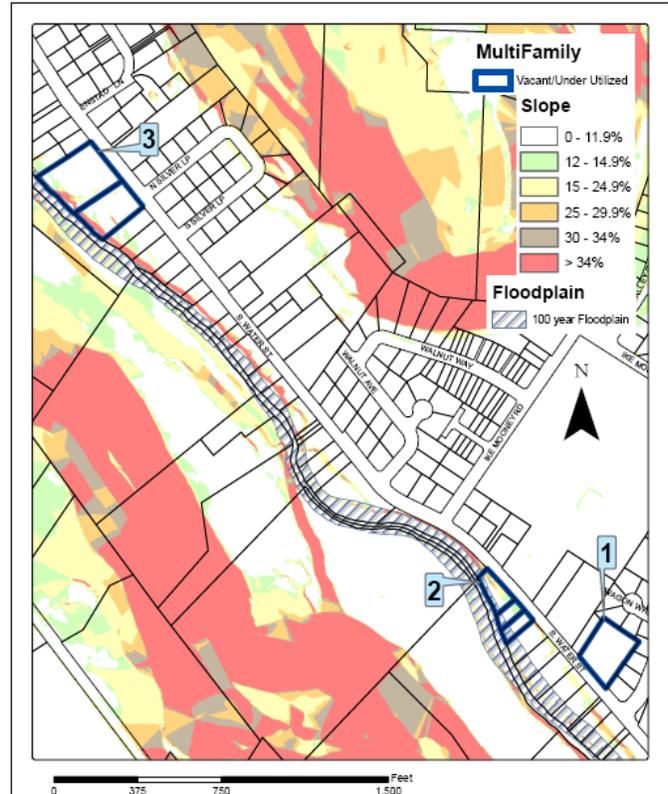
**2. South Water Street Creekside Area 1306-1318 S Water**

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

Southern property has constructing a single family dwelling on the parcel. 1 dwelling unit

30% of the northern 2 properties are in the Flood Plain. The Riparian Corridor Boundary appears to follow the Flood Plain Boundary.

Approximate 8,000 sq ft building envelope. Approximately 2-3 dwelling units



**4. 407 S First St**

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

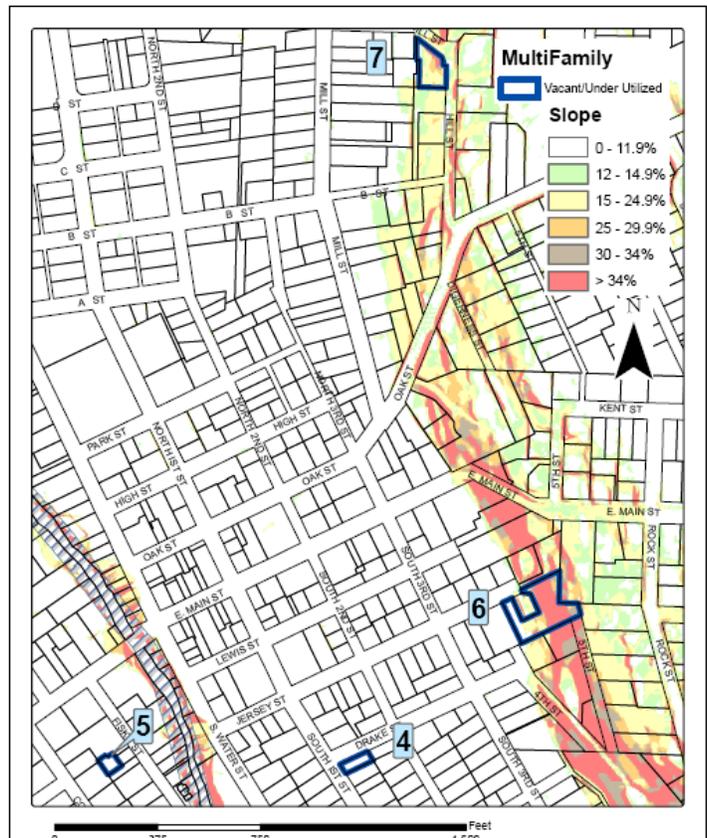
**5. 122 Fiske Street**

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

**6. 524 Jersey Street**

32,470 square feet heavily impacted by steep slopes. 2 dwellings possible.

**7. Hill Street**



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

### 8. 623 McClaine Street

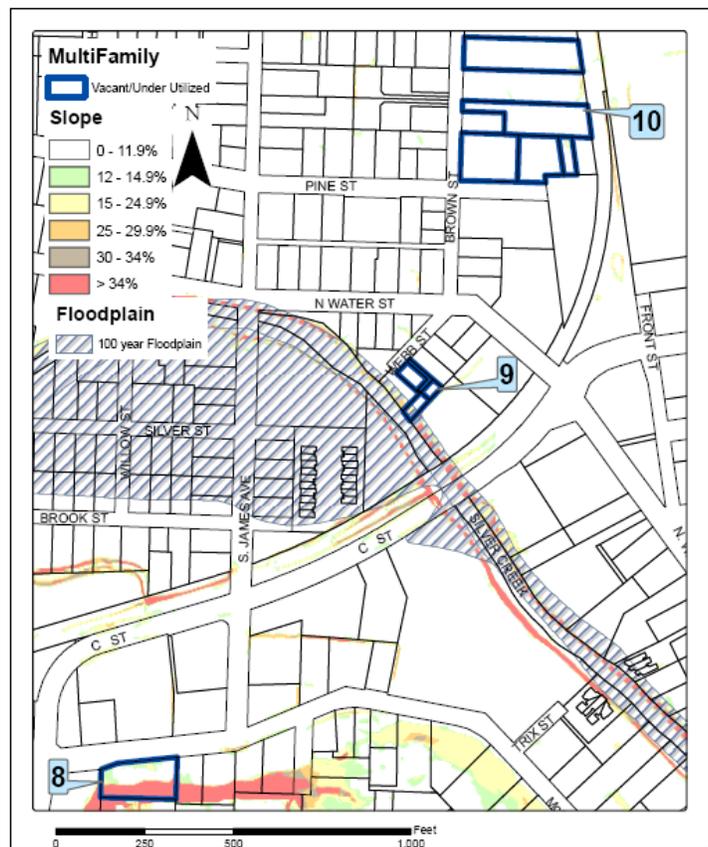
21,976 square feet heavily impacted by steep slopes. Approximate 7,000 sq ft building envelope. 2-4 dwelling units

### 9. Webb Street

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

### 10. Brown Street

The area contains four properties totaling 65,806 square feet. Area lacks adequate storm drainage system. Storm drainage improvements would have to be installed south to Webb Street prior to development. No other constraints exist on the site. Northern property currently being used as a school parking lot. 8-15 dwelling units



The range of possible dwelling units for the vacant multi-family properties in the City Limits is 19-30 dwelling units. It should be noted that there are currently zero vacant properties zoned RM-20, Multi-Family High Density. The housing element of the Comprehensive Plan indicated a shortfall in inventory of buildable multi-family land of 160 units. The Comprehensive plan assumed this shortfall would be satisfied with 100 units of multi-family being developed within a PUD as part of the 108 acre Pioneer Village development and the North First Street and West Side Mixed Use opportunity area. The 108 acres did not develop as a PUD and only 40 of the assumed multi-family units were created. The North First Street and West Side Mixed Use opportunity area was never created. Furthermore, the Urbanization element (updated 2002) of the Comprehensive Plan indicated an additional 56 acres of multi-family zoned lands will be needed by 2020. Since the 2002 update there have been 4.6 acres of multi-family zoned property added to the City Limits. There are no properties designated Multi-Family outside the City Limits and inside the Urban Growth Boundary. Considering the assumed 68 of the dwelling units were not constructed, the Mixed Use opportunity areas were never created, the low amount of multi-family zoned land added to the City Limits and the lack of any land designated Multi-Family between the City Limits and the Urban Growth Boundary it can be concluded that Silverton has a shortage of Multi-Family zoned land of approximately 40 acres. It should be noted the Housing and

Urbanization elements are not entirely complementary in regards to future multi-family needs housing needs.

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 202 North James Street.

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 a multi-family use already exists on the site.

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 multifamily housing.

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 existing tri-plex is served by water and sewer utilities. The local street network is in place.

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

**Findings:** The transportation planning rule is not applicable.

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

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

### **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.

Staff recommends that the Silverton Planning Commission forward to the City Council a recommendation to find the requested comprehensive plan amendment and zone change meets the applicable review criteria.

## ATTACHMENT D: TESTIMONY

Re: Public Hearings  
Planning Commission Hearing Date: June 11, 2019  
City Council Hearing Date: July 1, 2019

Re: 202 No James St File No.: CP-19-01 & ZC-19-010

Position: Opposition to Application as presented.

Dear Mr. Gottgetreu,

Thank you for the Notice of Public Hearing regarding the property in Silverton, located at 202 No James St., which is adjacent to ours (206 No James St.), and the proposed amendment specific to a Land Use application.

For the following reasons we do not believe that application meets the review and quasi-judicial criteria: specifically, consistency with the current relevant area plans and maps.

We would like you, the City Planner, the Planning Commission and the City Council to be aware of our thoughts regarding the zone variance in question. We ask that you record and put forth our concerns noted below in the appropriate time and manner.

We are extremely concerned how a larger multifamily building might directly affect our residence and the near surrounding community now zoned as single household in several different ways. Noise, light, traffic, congestion are only a few considerations. We are worried a 3 story building (RM-10), even if in the future, would potentially block sunlight, decrease privacy and create a sense of condensed space. A looming presence inconsistent with the other residences. There could also be additional safety issues.

It is important this hearing not be used as a vehicle to enhance the development value of the property for any impending sale. We feel the development of this property should stand on the merits of the exact property at the time of permitting. Changing the zoning now would "pave the way" or give a carte blanche for bigger and more.

Furthermore, we understand there is a committee currently assigned and working on low income and/or accessible housing and trust that process encompasses the whole picture of Silverton and its future needs.

Bottom-line: The tri-plex there now is an eyesore in a single-family residence neighborhood. We oppose a blanket approval to reconstruct it as inconsistent with the current planning. We would not oppose a variance that improved the neighborhood and recognized the current usage as forming the basis for the variance. But this needs to be detailed specific and presented for review to the affected neighborhood.

Thank you for this opportunity to express our point of view.

We are most respectfully,  
Stephanie Grady and Mark Balkowitsch  
206 No James St., Silverton  
218-343-2016

Copy all written correspondence to:  
8714 2nd Ave South  
Bloomington, MN 55420



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 GOTTFREU, 503-874-2212

**PROCEDURE TYPE** IV

**LOCATION:** N/A

**FILE NUMBER:** DC-19-02

**LAND USE DISTRICT:**  
N/A

**PROPERTY DESCRIPTION:**  
**ASSESSOR MAP#:** N/A  
**LOT #:** N/A  
**SITE SIZE:** N/A  
**ADDRESS:** N/A

**PROPOSED DEVELOPMENT ACTION:** DEVELOPMENT CODE AMENDMENT TO MORE SPECIFICALLY INCORPORATE THE CITY'S TRANSPORTATION SYSTEM PLAN, WATER MASTER PLAN, STORM WATER MASTER PLAN, AND SANITARY SEWER MASTER PLAN INTO THE DEVELOPMENT CODE, INCLUDING LANGUAGE REGARDING INTERSECTION LEVEL OF SERVICE STANDARDS.

DATE: JUNE 4, 2019

- 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 proposed amendments are as follows. Additional language appears in italics.

### SDC 3.4.010 Purpose and applicability.

A. Purpose. This chapter provides general development standards and approval criteria for public improvements. The code incorporates by reference the city's public facility master plans, including plans for domestic water (*specifically Chapter 2 – Design Criteria*), sanitary sewer (*specifically Chapter 5 – Water Quality and Regulatory Issues and Chapter 10 – Recommended Plan*), storm drainage (*specifically Chapter 3 – Storm Water System Design Criteria and Chapter 7 – Water Quality*), parks (*specifically the Goals and Policies and Strategies and Actions*), and transportation (*specifically all TSP Action Items in Chapter 2 and all Access Management Items in Chapter 8*). The code also incorporates by reference Silverton's public works design standards (*specifically Chapters 1 through 5 and Appendices A through H*). This chapter is intended to provide minimum requirements for public facilities. It is not intended to duplicate or replace the design standards contained in the above documents.

### SDC 3.4.100 Transportation standards.

#### *Q. Level of Service Standard*

1. *City performance standards shall be used to evaluate developments impacting City or County facilities. The level of service standard shall be LOS D based on the Highway Capacity Manual methodology and a v/c ratio of 0.85 for signalized and all-way stop controlled intersections. For unsignalized intersection, the level of service standard shall be LOS D based on the Highway Capacity Manual and a v/c ratio of 0.90. ODOT v/c ratio standards shall apply to ODOT facilities.*
2. *For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
3. *For stop-controlled intersections, adequate level of service is LOS D. Level of service for two-way stop-controlled intersections is based on individual vehicle movement, and all-way stop controlled intersections is based on a weighted average of vehicle delay for the intersection.*
4. *An amendment or other land use application that requires analysis of traffic capacity and allows development that either (1) may cause a transportation facility to perform below the standards established in sections 1 and 2, or (2) adds vehicle trips to a facility that is already performing below the standards established in sections 1 and 2 may be approved if:*
  - a. *Development resulting from the amendment or other land use application will mitigate the impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of development through one or more of the following:*
    1. *one or more combination of transportation improvements or measures are imposed to mitigate the transportation impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of any development.*
    2. *On- and off-site improvements beyond required frontage improvements.*

3. *Payment of a fee in lieu of construction.*
4. *Correction of off-site transportation deficiencies within the study area that are not substantially related to development impacts.*
5. *Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.*

# ATTACHMENT C: STAFF REPORT, DC-19-02

## FINDINGS OF FACT

### A. Background Information:

1. May 15<sup>th</sup> 2019, the Community Development Director initiated a Development Code Amendment to more specifically incorporate the City's Transportation System Plan, Water Master Plan, Storm Water master Plan, and Sanitary Sewer Master Plan into the Development Code, including language regarding intersection level of service standards.
2. The Planning Commission will meet on June 11<sup>th</sup> 2019 to discuss the potential standards in a duly advertised public hearing.

### 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 fix a deficiency in the code by more specifically incorporating Master Plans into the development code in order to utilize the standards found in the Master Plans as review criteria and standards during review of development.

The amendment is consistent with the goals and policies of the comprehensive plan as it creates a method to use the relevant goals and policies of the comprehensive plan during review of development. The City undertakes an extensive public review process during the development and adoption of Master Plans. Master Plans develop frameworks and standards for development by projecting future needs out 20 years. These standards can be applicable to the review of developments in the City and should be able to be implemented during those reviews. This amendment more specifically incorporates the Master Plans, which is a necessary step in order to actually use them as review criteria or standards during the review of development.

This amendment is not creating new standards, but is crafting more specificity around what and how standards that were adopted as part of Master Plans apply to development. 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 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 by addressing a deficiency in the current language that incorporates Master Plans into the Development Code. As noted above, this amendment is not creating new standards, but is crafting more specificity around how standards that were adopted as part of Master Plans apply to development. Based on the above findings, 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.