



**Marion County**  
OREGON

# ADMINISTRATIVE REVIEW APPLICATION

**Do not double-side or spiral bind any documents being submitted**

**Fee: Please check the appropriate box:**

- Administrative Review - \$770
- Primary Farm Dwelling - \$1000
- Replacement Dwelling - \$450
- Lot of Record - \$1250 (staff); \$1990 (hearing)
- Secondary Farm - \$1250
- Forest Dwelling - \$1250

**RECEIVED**

APR 02 2024

**Marion County  
Planning**

PROPERTY OWNER(S): George R. Duda, Trustee of the George R. Duda & Joan K. Duda Trust dated January 23, 2017	ADDRESS, CITY, STATE, AND ZIP: 1513 Crestview Drive, Silverton OR 97381
PROPERTY OWNER(S) (if more than one): Joan K. Duda, Trustee of the George R. Duda & Joan K. Duda Trust dated January 23, 2017	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Donald M. Kelley	ADDRESS, CITY, STATE, ZIP 110 N. Second Street, Silverton, Oregon 97381
DAYTIME PHONE (if staff has questions about this application): c/o Donald M. Kelley, (503) 873-8671	E-MAIL (if any): dkelley@kelleyattorneys.com
ADDRESS OF SUBJECT PROPERTY: 14479 Evans Valley Road NE, Silverton, Oregon	SIZE OF SUBJECT PROPERTY: 5.9 Acres
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page): Build a single family residence	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? ( ) YES (X) NO IF YES, WHICH RAILROAD:	

FOR OFFICE USE ONLY:			
Township 6S	Range 1W	Section 35D	Application elements submitted:
Tax lot number(s) 102			<input checked="" type="checkbox"/> Title transfer instrument
Zone: UT-5			<input checked="" type="checkbox"/> Site plan
Zone map number: 24			<input checked="" type="checkbox"/> Applicant statement
<input checked="" type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable) N/A
Case Number: A224-008			<input checked="" type="checkbox"/> Filing fee
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural			Application accepted by: PCS Set up by: AC
Date determined complete:			Date: 4/2/2024

**THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

**PRINTED NAME AND SIGNATURE of each owner of the subject property.**

George R. Duda                      George R. Duda  
Print Name                                      Signature

Joan K. Duda                      Joan K. Duda  
Print Name                                      Signature

\_\_\_\_\_  
Print Name                                      Signature

\_\_\_\_\_  
Print Name                                      Signature

DATED this 2nd day of April, 2024



## **APPLICANT'S STATEMENT**

The purpose of this administrative review is to determine that the subject lot is eligible for construction of a single family dwelling.

The subject lot was created pursuant to Urban Partitioning Case No. 99-20. The property lies just outside of the city limits of the City of Silverton and is zoned UT. It is surrounded by small acreage home sites except on the north end where it butts up against a subdivision inside the city limits. A future collector street is planned for the east edge of the property.

The applicants have submitted a development plan showing location of the proposed dwelling. The proposed dwelling is immediately north of the neighboring dwelling on Evans Valley Road. It also allows for placement of a road along the entire easterly edge of the parcel. Therefore, the property can be redeveloped to urban densities. The proposed construction of a single residence will not have a significant adverse impact upon adjacent, existing or planned uses and developments.

The Marion County Code at 16.13.320 allows for a density of 1 residence per five acres at the time that the zone was first applied to this lot. The UT zone was first applied to this lot when it was created in 2000. It is a 5.9 acre lot and therefore, this lot is entitled to 1 residence.

In the decision in Urban Partitioning Case 99-20, staff expressed an opinion that allowing the construction of an additional dwelling would interfere with the transition of the property into the City of Silverton. It has been almost 24 years now since that decision and the City of Silverton will still not annex the subject property to the City. Attached is a study performed by the Silverton Planning Department at the request of the applicants. It demonstrates that the property still does not qualify for annexation because the number of other properties already inside the city limits is beyond what is needed for the City to consider such an annexation. While the applicants have no objections to such annexation, the property owners will be unable to achieve an annexation for nearly 10 years to come. The addition of one single family home will not make the subject property appreciably less desirable for redevelopment.

**RE: Inventory**

Jason Gottgetreu &lt;JGottgetreu@silverton.or.us&gt;

Fri, Dec 15, 2023 at 4:31 PM

To: "Don Kelley (DKelley@KelleyAttorneys.com)" &lt;DKelley@kelleyattorneys.com&gt;, "gjduda@hotmail.com" &lt;gjduda@hotmail.com&gt;

Hi Don,

Attached is the updated lot inventory map. The exhibit shows 83 shovel ready lots and 14 developable lots that represent a potential 468 lots for an overall inventory of 551 lots. The HNA indicates a need of 1,158 new dwelling units over the 20 year planning period. Annexation Criterion M looks out in a 5 year and 8 year increment. The intent is that if there is not enough land within the existing City Limits to accommodate the 5 year need, then annexation of additional land is timely. If there is between a 5 and 8 year supply of land within the City Limits the Council can consider additional factors to determine if the public good would be served by the annexation. If there is more than an 8 year supply of land in the existing City Limits, then adding more land to the City is not considered timely.

The 20 year need of dwellings is 1,158, the five year need is a quarter of that, which is 290. The 8 year need is 40% of that, which is 463. The current amount of dwelling capacity is 551 dwellings, which is above the 8 year need. Dividing the existing supply by the annual need  $551/57.9$  gives you how many years supply we currently have in the City, which is 9.5 years.

Sincerely,

Jason Gottgetreu

**Jason Gottgetreu**

Community Development Director

503-874-2212

306 S. Water Street | Silverton, OR 97381

[www.silverton.or.us](http://www.silverton.or.us)**From:** Jason Gottgetreu**Sent:** Monday, January 10, 2022 4:18 PM**To:** Don Kelley (DKelley@KelleyAttorneys.com) <DKelley@KelleyAttorneys.com>**Subject:** Inventory

Hi Don,

Attached is the HNA as well as a lot inventory map. The exhibit shows 47 shovel ready lots and 25 developable lots that represent a potential 547 lots for an overall inventory of 594 lots. The HNA indicates a need of 1,158 new dwelling units over the 20 year planning period. Annexation Criterion M looks out in a 5 year and 8 year increment. The intent is that if there is not enough land within the existing City Limits to accommodate the 5 year need, then annexation of additional land is timely. If there is between a 5 and 8 year supply of land within the City Limits the Council can consider additional factors to determine if the public good would be served by the annexation. If there is more than an 8 year supply of land in the existing City Limits, then adding more land to the City is not considered timely.

The 20 year need of dwellings is 1,158, the five year need is a quarter of that, which is 290. The 8 year need is 40% of that, which is 463. The current amount of dwelling capacity is 594 dwellings, which is above the 8 year need. Dividing the existing supply by the annual need  $594/57.9$  gives you how many years supply we currently have in the City, which is 10.25 years.

Also attached is a scan of the Fire Code turnaround standards.

Let me know if you have further questions.

Sincerely,

Jason Gottgetreu



**Jason Gottgetreu**

Community Development Director

503-874-2212

306 S. Water Street | Silverton, OR 97381

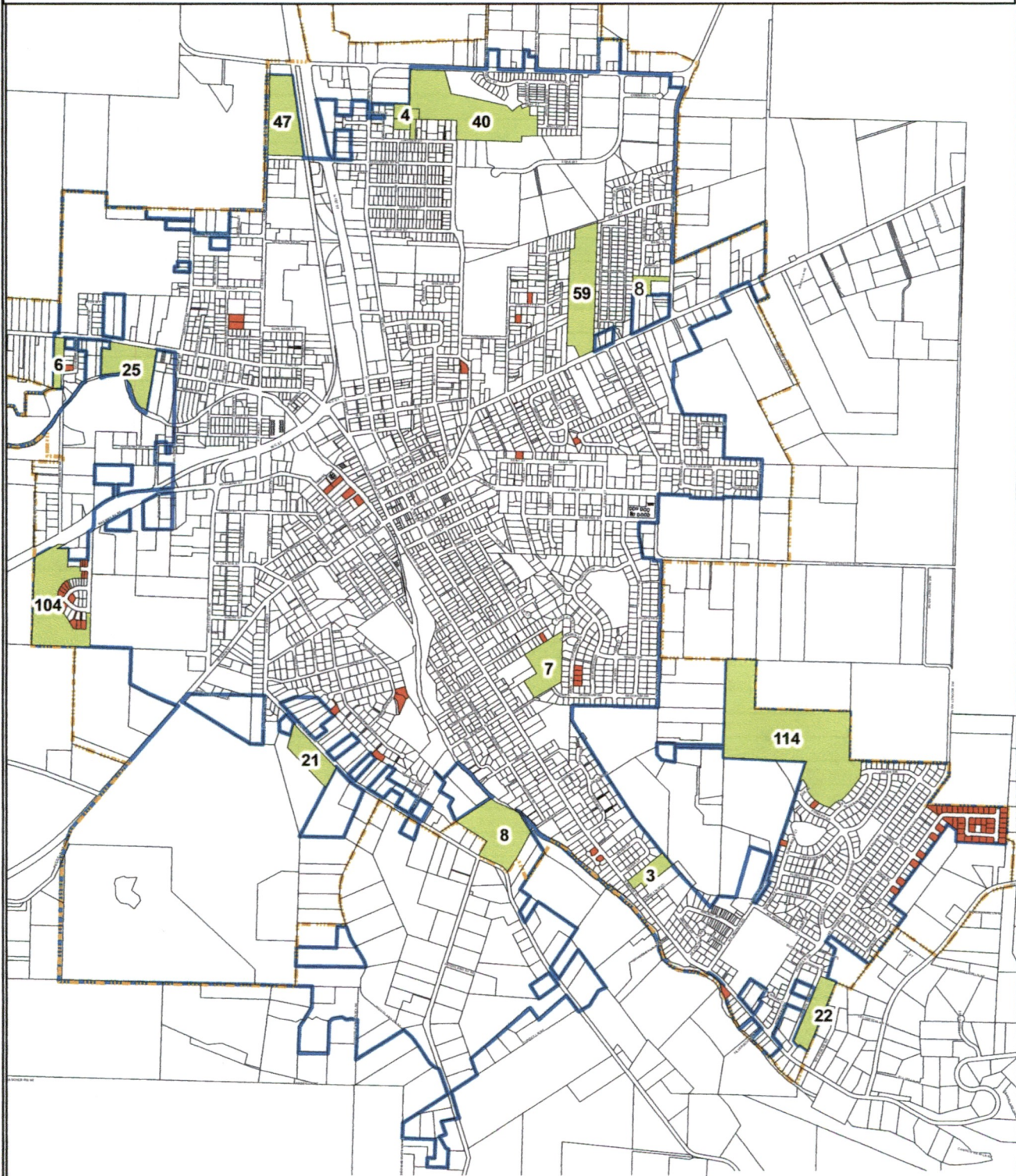
[www.silverton.or.us](http://www.silverton.or.us)



**Buildable Lots 12-15-23.png**  
1477K

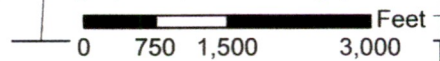


# City of Silverton - Buildable Lots/Developable Lands - 12-15-2023



## Legend - 551 Total

- Developable - 468 Potential Lots
- Urban Growth Boundary
- Shovel Ready - 83 Lots
- Silverton City Limits



Disclaimer:  
This map was published by the City of Silverton Community Development Department as a general planning tool. Due to the differing quality of source data, the Department cannot accept responsibility for errors or omissions, and therefore, there are no warranties which accompany this material.