



**City of Willamina
Planning Commission
Meeting and Public Hearing**

Tuesday November 28, 2023 6:00 p.m.
West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

In-person attendance is allowed at the Planning Commission Meeting. The City also provides access via the Zoom platform. Zoom access information is available at the end of this Agenda.

- I. CALL TO ORDER
- II. ROLL CALL
- III. FLAG SALUTE
- IV. AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS
- V. CONSENT AGENDA
 - a. Minutes from the October 24, 2023 Planning Commission Regular Meeting and Public Hearing.
- VI. PUBLIC HEARING
 - a. **Continued Public Hearing: Ridgeview Heights Subdivision.** Land use files # SUB 23-01 "Ridgeview Heights Subdivision, Phases 3-7" with concurrent variances #VAR 23-01, VAR 23-02, VAR 23-03, VAR 23-04. Location is unaddressed tax lot R6701 00502. Applicant Tim Wenger of Willamina Ridgeview Heights LLC. requests approval to subdivide 10.3 acres into 60 residential lots total: 30 lots for attached townhouses (2 or 3 houses in a row) and 30 lots for detached single family houses. Applicant requests variances to accommodate property topography/steep slopes, existing configuration of abutting properties, public street connectivity, and to accommodate city water line alignment.

VII. REGULAR AGENDA

- a. Jason Foose Resignation

VIII. PUBLIC INPUT – BUSINESS FOR THE AUDIENCE

- a. Public Input: Presentations not scheduled on the Agenda are limited to three (3) minutes. Longer presentations should be submitted to the City Recorder prior to the meeting.

IX. ADJOURN

Comments may be given verbally via Zoom, in-person, or submitted to the Deputy City Recorder at stevensk@ci.willamina.or.us in advance of the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85907091119?pwd=WStjbm95TGlyZXNDaWJVcHJ4V0FhQT09>

Meeting ID: 859 0709 1119

Passcode: 671078

Next Planning Commission Meeting January 23, 2024

THIS IS AN OPEN PUBLIC MEETING

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Willamina at least 48 hours prior to the meeting date in order that appropriate communication assistance can be arranged. The City of Willamina Council meetings are accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

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CITY OF WILLAMINA PLANNING COMMISSION
REVISED STAFF REPORT

I. BACKGROUND

HEARING: Tuesday, November 28, 2023 at 6:00pm
Continued from Tuesday, October 24, 2023

FILE NUMBER(s): Subdivision #SUB 23-01 **“Ridgeview Heights, Phases 3-7”**
Variances #VAR 23-01, VAR 23-02, VAR 23-03, and VAR 23-04

OWNER: Willamina Ridgeview Heights, LLC. Attn. Tim Wenger

REQUEST(s): Applicant requests Planning Commission approval to subdivide 10.3 acres within Willamina city limits into 60 residential lots. Originally, 18 lots were planned for attached single-family dwellings (townhouses), and 42 lots were detached. The revised plan to meet lot frontage widths proposed 30 attached and 30 detached single-family dwelling lots. The proposed subdivision phasing plan originally identified Phases III–VI. The phasing plan has been revised to split Phase III, resulting in Phases III-VII overall. As revised, Phase III has 6 lots, Phase IV has 10 lots, Phase V has 15 lots, Phase VI has 14 lots, and Phase VII has 15 lots. Phases I and II were approved in 2019, and have since been constructed, or are currently under construction. Phase III is planned for 2024.

Applicant also requests concurrent variances to accommodate unique property topography/steep slopes, existing configuration of abutting properties, and public street connectivity:

1. VAR 23-01: Variance to lot depth-to-width ratio for lots 33, 35 – 46, 65, 66, 84, and 85.
2. VAR 23-02: Variance to through lot standard for lots 47 – 52.
3. VAR 23-03: Variance to block length standard for sections of Highland Loop and 6th Street.
4. VAR 23-04: Variance to minimum lot size of Lot 34 due to required property dedication to accommodate alignment of City water line project. Under discussion by City Engineers.

LOCATION: Situs address not yet assigned. Tax lot R6701 00502. Subject property is accessed from NW Highlands Loop and NW 6th Street.

ZONE: R2 – Moderate Density Residential

CRITERIA: Willamina Development Code, Sections: 2.102 R2 Moderate Density Residential Zone, 2.200 General Development Standards, 2.208 Development Standards for Land Divisions, 3.104 Variances, 3.107 Subdivisions and Planned Unit Developments.

PROCEDURE: Pursuant to Willamina Development Code procedures (WDC 3.101.02), Subdivisions and Major Variances are both Type II actions. A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing are provided.

- EXHIBITS:
- A: Comments from City Departments and Partner Agencies
 - B: Application package materials (includes revised plan)
 - C: Photos of attached houses previously built by the applicant in Willamina (new)

APPLICATION TIMELINE

The applicant participated in a Pre-Application Meeting with staff in the spring of 2023. The applicant submitted the original Subdivision application on April 7, 2023. Staff deemed the application incomplete in a letter dated May 5, 2023. That letter contained a number of items required by the City for completeness, including a Transportation Impact Analysis (TIA) and several variance application forms and fees. The applicant provided the Traffic Impact Study (TIS) on June 1, 2023, and additional materials including revised plan on June 5, 2023. On June 27, 2023 staff responded that the variance application forms and fees were still required. The three concurrent variance applications and fees were received by City Hall on August 25, 2023. The most current revised plan set provided to the City is dated September 7, 2023, but additional revisions have been made since that time to accommodate the City's raw water line through the subject property, revising the boundary of Lot 34.

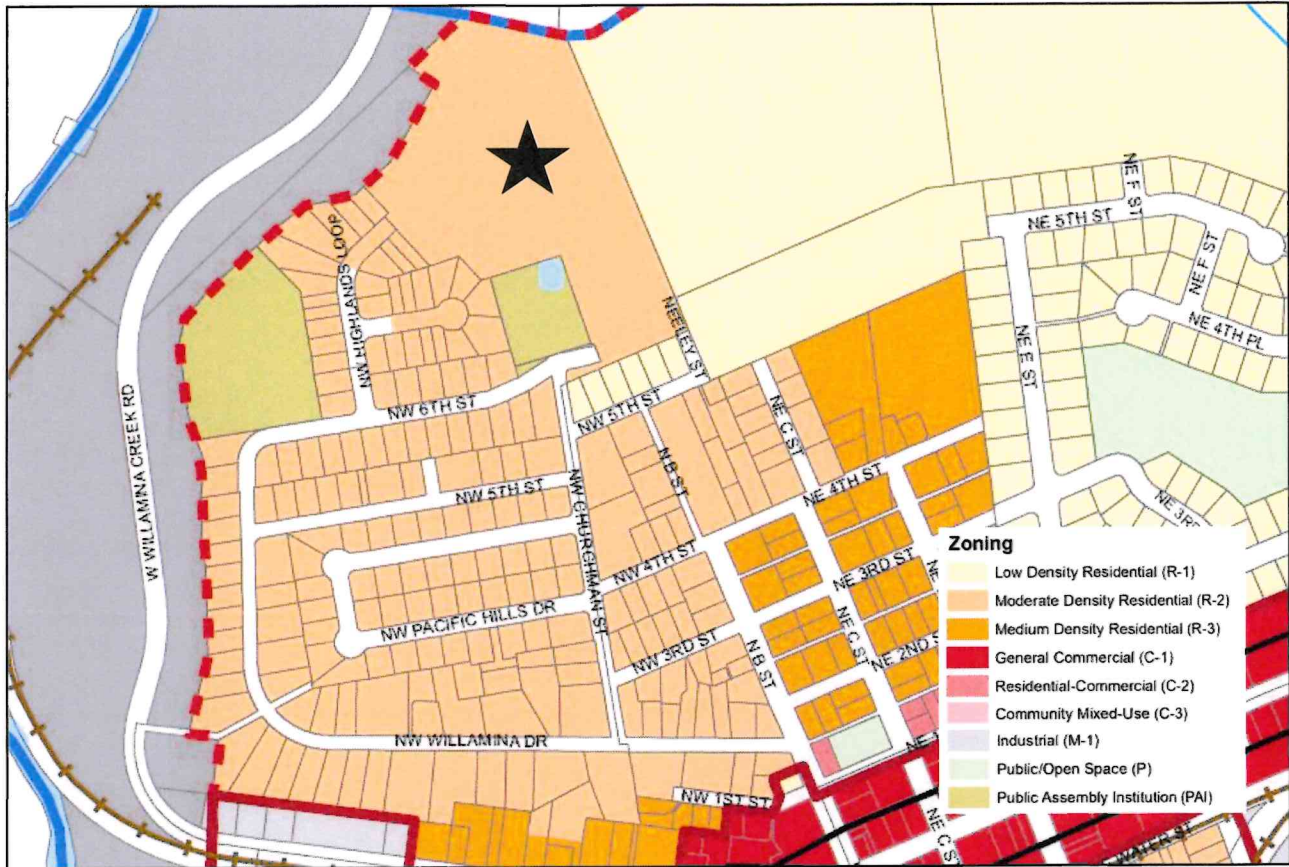
PUBLIC HEARING SUMMARY

On Tuesday, October 24, 2023, the Willamina Planning Commission opened the public hearing on these concurrent files, accepted a staff report and public testimony, closed the hearing, and voted unanimously to reopen and continue the public hearing to the date and time certain of Tuesday, November 28, 2023 to allow additional time for all parties to review the application materials and staff report. Following the October 24th meeting, the applicant made minor revisions to the proposed subdivision plat to address some of the recommended conditions of approval. Staff has also made minor revisions to the findings and recommended conditions of approval contained in this report.

Oregon Revised Statutes allow for 120 days for local decision to be rendered, including appeals. Using the August 25th date as the "complete" date, the 120-day deadline is therefore Saturday, December 23, 2023.

II. MAPS

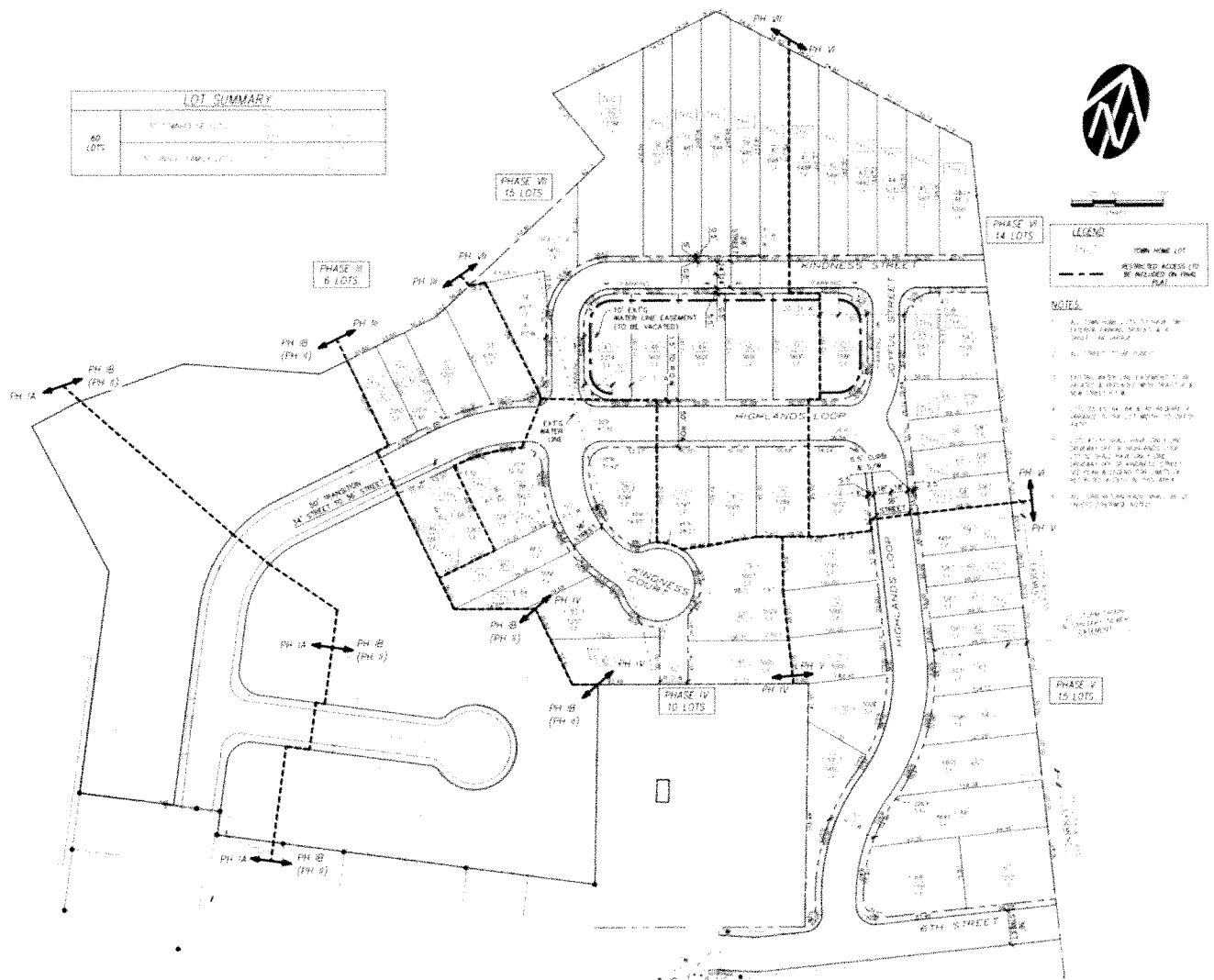
A. VICINITY & ZONING MAP



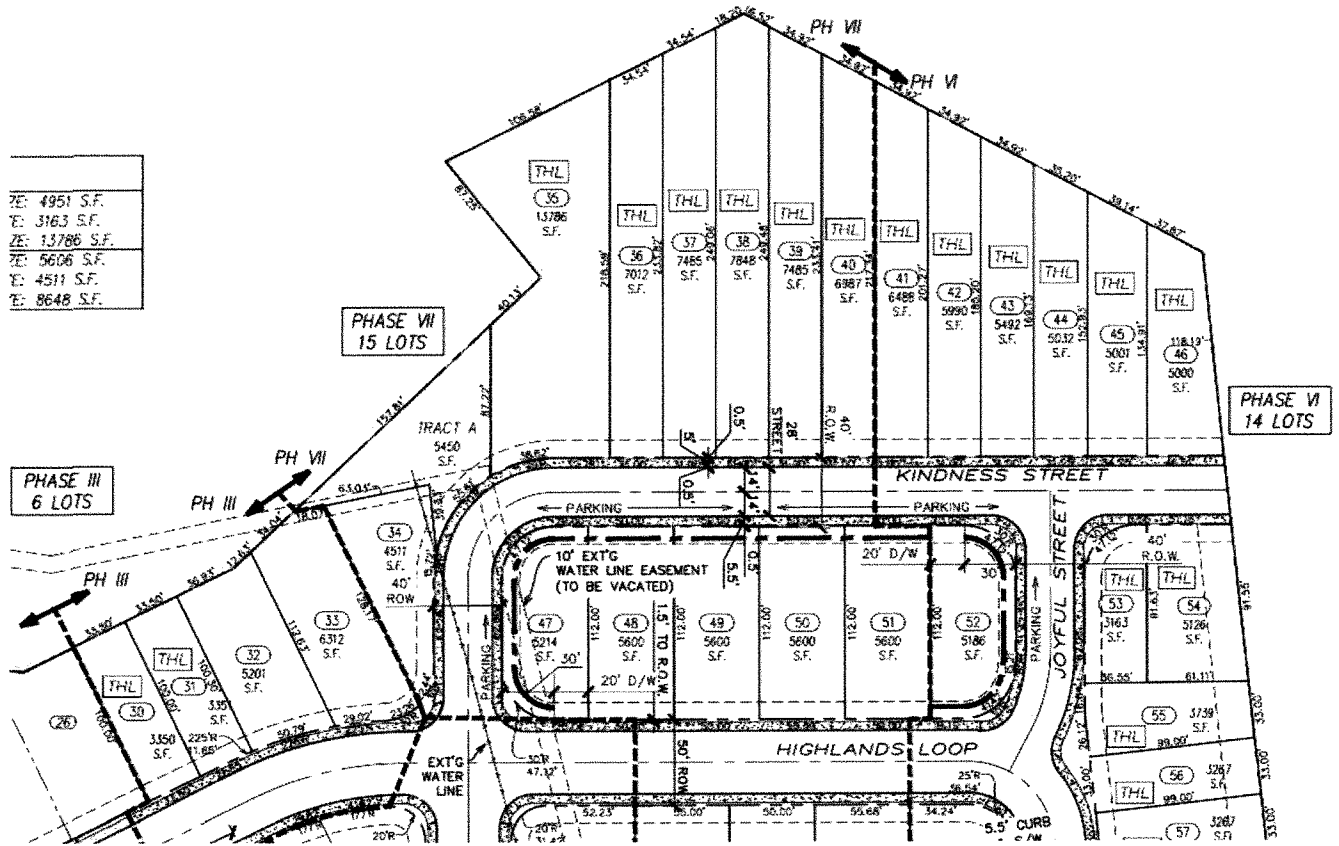
B. PROPOSED REVISED SUBDIVISION PLAN (See full size plan in Exhibit B)

After the October Planning Commission meeting, the project engineer made the following plan revisions:

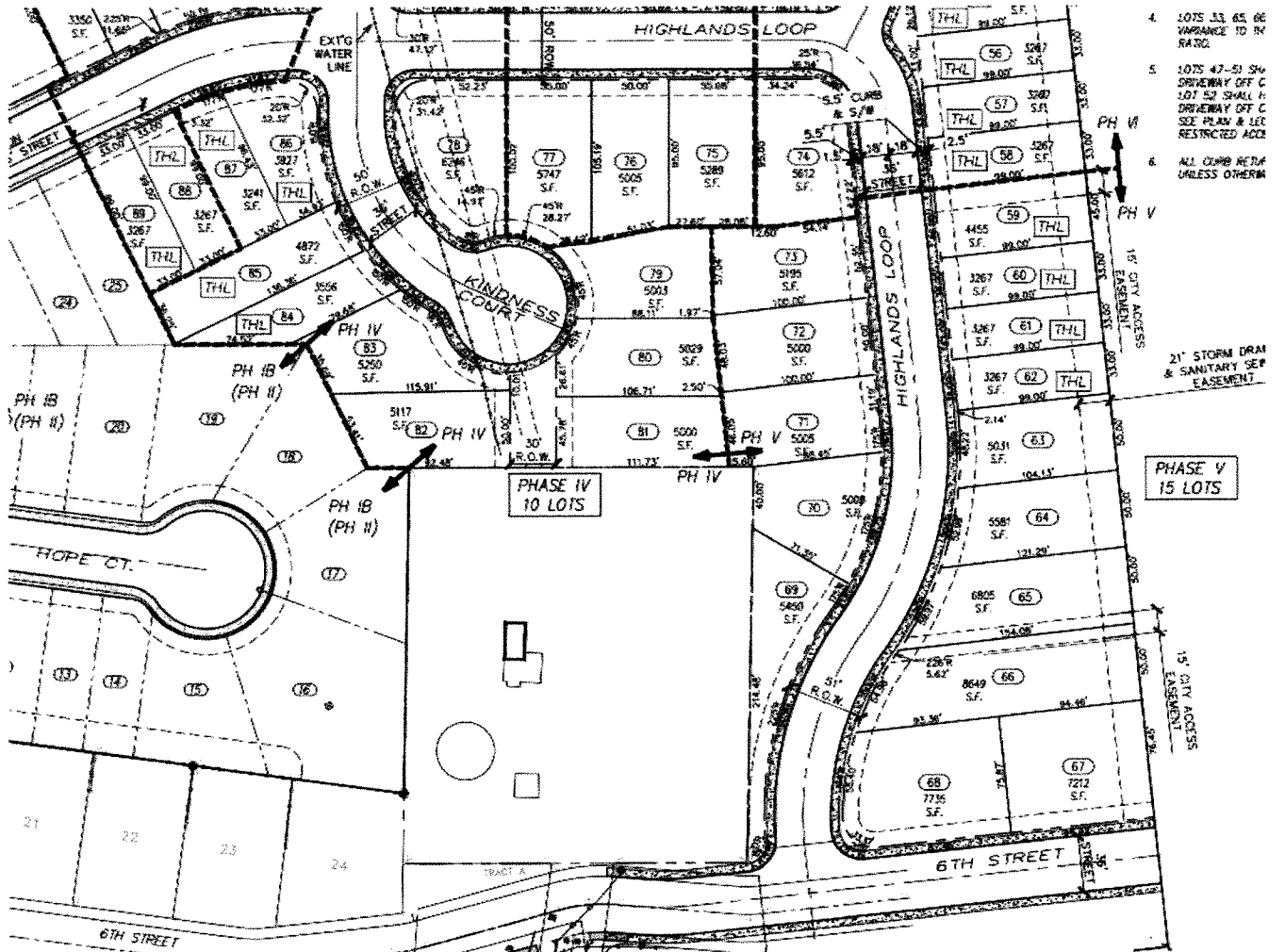
1. Revised Lots 36-46 to THL (townhouse lot), to meet minimum lot frontage widths.
2. Revised Lot 34/Tract A as requested by the City, to accommodate the new public raw water line.
3. Added restricted access to through lots 47-52 as requested by the City; allowing access from one street only. Lots 47 – 51 access from Highlands Loop, and Lot 52 access is from Kindness Street, to allow for street parking on Kindness.
4. Added Note 6 about the curb returns as requested by the City, in response to Fire Code radius.
5. Revised Lot 82 to show 50' of frontage.
6. Revised Phase III into two phases which now brings the total to seven phases.



C. REVISED PLAN NORTHERN PORTION, CROPPED TO ZOOM:



D. REVISED PLAN SOUTHERN PORTION, CROPPED TO ZOOM:



4. LOTS 33, 65, 66 VARIANCE TO RV RATIO.
5. LOTS 47-51 SHW DRIVEWAY OFF C LOT 52 SHALL H DRIVEWAY OFF C SEE PLANS & SEE RESTRICTED ADCE
6. ALL CORN RETN# UNLESS OTHER#

21' STORM DRA# & SANITARY SEP# EASEMENT

PHASE V
15 LOTS

15' CITY ACCESS
EASEMENT

III. DECISION CRITERIA & FINDINGS - SUBDIVISION

Willamina Development Code (WDC)

2.102 Moderate Density Residential Zone (R-2)

2.102.1 Purpose

The purpose of the R-2 District is to provide areas for the development of a mixture of single-family, duplex, and triplex housing opportunities, and other complementary uses...

2.102.2 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses and their accessory uses are permitted in the R-2 zone:

A. Detached single-family dwelling unit, including a single-family manufactured home subject to Section 2.303 of this Ordinance.

B. Attached single-family dwelling unit, townhouse. Minimum of two (2), maximum of three (3) attached in a row.

FINDINGS: The subject property is zoned R2. The purpose of the proposed development is a residential subdivision, creating lots for single-family detached and single-family attached dwelling units (townhouses). The proposed land use is consistent with the purpose and the permitted uses of the R2 zone. This standard is met. R2 zone dimensional standards are discussed below.

2.102.05 R2 Zone Development Standards

E. Density. When R-2 land is subdivided, the minimum density shall be five (5) units per gross acre and the maximum density shall be seven (7) units per acre.

FINDINGS: The Yamhill County Assessor states that the subject property is 10.3 acres. The density range for this development is approximately 52 units minimum and 72 units maximum. The applicant's proposed 60 lots equals a total of 60 dwelling units. The density standard is met as proposed.

3.107 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

3.107.1 General Provisions

A. All subdivisions and PUDs shall conform to all applicable Zoning District Standards, development standards and other provisions of this Ordinance.

B. A Master Plan for development is required for any application which leaves a portion of the subject property capable of redevelopment.

FINDINGS: The applicable standards are discussed in this staff report. As submitted, the proposed subdivision shows residential lots, public rights-of-way, and public tract. There is no remaining portion of the subject property capable of redevelopment.

3.107.3 Review Procedures

A. All Preliminary Plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.203.

B. Approvals of any preliminary plans for a subdivision or PUD shall be valid for one year after the date of the written decision. A Final Plat for a Final Plan for a subdivision shall be recorded within this time period of the approvals shall lapse. PUDs which do not involve the subdivision of property shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse.

C. The Planning Commission, after holding a hearing may extend the approval period for any subdivision or PUD for not more than one (1) additional year at a time provided the applicant demonstrates that all fees payable to the city related to the subdivision have been paid in full. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.

D. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

3.107.4 Form of Final Subdivision Plat

3.107.5 Final Plat Review of Subdivisions

FINDINGS: The proposed subdivision is being reviewed by the Willamina Planning Commission after a public hearing and public notice. The approval period and final plat review procedures above are included as recommended conditions of approval to ensure that they are clearly communicated and tracked by all parties. WDC 3.107 'Subdivisions and PUDs' provides review procedures, but does not provide decision criteria. Decision criteria for Subdivisions are found in WDC 2.208 'Development Standards for Land Divisions' and related referenced code sections. Those standards are reviewed below.

2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.208.1 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Willamina.

2.208.2 Scope

The provisions of this Section shall apply to all subdivisions and partitions within the City of Willamina.

FINDINGS: The submitted development proposes to create 60 residential lots from one parent parcel. A subdivision is defined as a land division which results in four or more lots. WDC 2.208 applies to this application.

2.208.3 Standards for Lots or Parcels

A. Minimum lot area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

FINDINGS: The subject property is zoned R2 – Moderate Density Residential. The applicant proposes to create lots for both attached and detached single-family dwelling units. Pursuant to WDC 2.102.04 R2 Zone dimensional standards, the minimum lot size for a detached single-family lot is 5,000 SF, and the minimum lot size for an attached single-family (townhouse) lot is 3,000 SF. The submitted preliminary plat provides the lot size proposed for each of the 60 lots. As initially submitted, the proposed lots meet the minimum lot size standards. The applicant states that the revised average lot size proposed is 4,951 SF for townhouses and 5,606 SF for detached single family dwellings.

During the engineering review of the plan set, it was determined that the City would need to re-align/correct a public water line and associated easement within the proposed subdivision. This water line realignment necessitated the dedication of an undevelopable tract of land by the applicant to the City, now labeled as Tract A. The property dedication causes Lot 34 as originally proposed to be reduced in size to 4,511 SF. This requires a variance caused by the City. This minimum lot size variance was included in the public notices. It is referenced herein as Variance #VAR 23-04. The developer believes that the resulting Lot 34 is developable in compliance with the R2 zone setbacks.

This standard can be met with approval of the concurrent variance regarding Lot 34 minimum lot size.

B. Lot width and depth: The depth of a lot or parcel shall not be more than two and a half (2.5) times the width of the parcel, with the following exceptions:

- 1. Individual lots for attached dwelling units shall not be less than twenty (20) feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semiprivate outdoor living space for each unit.*
- 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than three (3) times lot width.*
- 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.*

FINDINGS: The proposed subdivision lots generally meet the lot depth to width ratio, with the exception of the lots subject to the concurrent variance application #VAR 23-01: Variance to lot depth-to-width ratio for lots 33, 35 – 46, 65, 66, 84, and 85. A recommended condition of approval is included corresponding to that application. The WDC provision requiring a minimum of 300 SF of semiprivate outdoor space for each unit is included as a recommended condition of approval. This standard can be met through compliance with the recommended conditions of approval.

C. Frontage: All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply:

- 1. Residential lots or parcels, excluding townhouse developments and Planned Unit Developments, may be accessed via a private street or partition access easement developed in*

accordance with the provisions of Section 2.202 when the City finds that public street access is:

- a. Infeasible due to parcel shape, terrain, or location of existing structures; and*
- b. Not necessary to provide for the future development of adjoining property.*

2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards:

a. Internal local streets or drives may be private and shall be subject to the provisions of Section 2.202.

b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.202.

c. Local streets which are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202.

3. Commercial or Industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Subsection 2.202.08.

4. Flag lots, as permitted in Subsection 2.208.03(D).

5. Lots fronting on a cul-de-sac shall maintain a minimum frontage dimension of forty (40) feet as measured along the curve.

FINDINGS: WDC 2.102.04(D) requires a minimum lot width and frontage of 50 feet for standard lots and 40 feet for cul-de-sac lots. Additionally, WDC 2.208.03(B)(1) provides a minimum width of just 20 feet for attached dwelling unit lots. The applicant's narrative states that this standard is met.

Aside from the proposed townhouse lots, there is a row of lots which did not meet the minimum 50-foot frontage standard. Lots #36-46 did not meet the frontage width standard. The applicant applied for a variance to the lot width-to-depth ratio for these lots, but no variance was submitted for the lot frontage width standard. While the lot depth-to-width ratio is supportable due to steep slopes, the developer has full control over the frontage width. Staff originally included a condition of approval that these specific lots will either be brought into compliance by making the non-conforming lots attached units (townhouses) or reducing the number of lots on this block to meet the 50-foot frontage width standard. This recommendation was adjusted in the revised plan set. The subject lots 36 - 46 are now labeled and planned for townhouse (THL) attached dwellings. The frontage width standard is now met by the revised plan set.

Lots 81 and 82 previously did not meet the frontage width standard of 50 feet. They take access from an unusual short street extension from the cul-de-sac which provides access for the abutting City to the Public Works water facilities property. In the revised plan set they have been adjusted and the City Engineer has approved the 30-foot wide street extension width from the cul-de-sac to the City water facilities. The City Engineer would rather see a slightly reduced frontage width than lose width on the access street.

No private streets are proposed with the submitted subdivision plan. All proposed lots take access onto a street proposed to be public, dedicated to the City of Willamina.

Because of the location of the City's property abutting the subject property, complete street connectivity was not feasible. A cul-de-sac is proposed.

D. Flag Lots...

FINDINGS: The submitted subdivision does not propose to develop any flag lots. This standard does not apply.

E. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the City during the review of the land division request.

FINDINGS: Through lots are lots which abut a public street right-of-way on both the front and rear of the property. The proposed subdivision does include some through-lots. The applicant's narrative states that the site's topographic constraints do not allow [Kindness] Street to be shifted north, which forces the double fronting lots. The applicant has submitted concurrent Variance # VAR 23-02: Variance to through lot standard. The revised preliminary plat includes plat note #5 which addresses the access to the through lots. Specifically, Lots #47 – 51 will only take access from Highlands Loop, and Lot # 52 will only take access from Kindness Street. The revised plan shows access restrictions on the impacted lots.

While their primary frontage is on Highlands Loop, both Lots 77 and 78 could also be considered through-lots, as they have a secondary frontage on Kindness Court. The applicant confirms these will take access from Highlands Loop. These lots can be addressed through similar access restriction notes, and are addressed in related condition of approval.

Approval of VAR 23-02 is included as a recommended condition of approval. This standard can be met by the applicant.

F. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.

FINDINGS: Side lot lines shown on the submitted subdivision plan are generally perpendicular to the public street right-of-way. The exception being recently revised Lot 34, which results from the City's water line alignment, as detailed in Variance #VAR 23-04. This standard is met.

G. Lot Grading: The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.

FINDINGS: Lot elevations are generally confirmed at the time of building permit. This standard can be met through compliance with this condition of approval. This standard can be met.

H. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Subsection 2.205.02(l) of this Code.

FINDINGS: The submitted plan set shows a standard 10-foot frontage PUE on all lots.

The applicant states “there is a 21-foot sanitary sewer and storm drain easement required on the east side of lots 54-67 due to the topographic constraints of the site. [Two 15-foot] City access easements to Highland Loop are provided to the proposed [manhole] locations.”

Resulting from an ongoing discussion between the project engineer and city engineers, the applicant proposes to dedicate a tract of land referenced as “Tract A,” formerly part of Lot 34, to provide for the City’s public water line alignment through the proposed subdivision, rather than an easement for that water line corridor.

This standard can be met through compliance with the recommended conditions of approval.

2.208.4 Standards for Blocks

A. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

B. Sizes: Blocks shall not exceed 250 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation.

FINDINGS: The applicant states “this site has significant topographic constraints. Two street stubs are provided to the east. The property to the south and west is fully developed.” This subdivision application includes a concurrent application #VAR 23-03, a variance to block length standard for sections of Highland Loop and 6th Street. The applicant states “the proposed design loops the street system (Highland Loop and 6th Street) in the most efficient way possible given all of the constraints.” The two street stubs providing connectivity to the east, Kindness Street and 6th Street, are more than 600 feet apart. To address this long block length, staff has included a condition of approval requiring a mid-block pedestrian/bicycle accessway for future connectivity to the east. Until the property to the east is developed, the accessway shall be maintained as a City utility access only, providing access to the sewer and storm line manholes.

Approval of VAR 23-03 is included as a recommended condition of approval.

2.208.5 Improvement Requirements

A. Partitions... (Not applicable)

B. Subdivisions: The following improvements shall be required for all subdivisions in the City of Willamina:

1. *Frontage Improvements: Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.202 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, streetlights, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.*

2. *Project Streets: All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.202.*

FINDINGS: All streets shown in the submitted plan set are proposed to be public street rights-of-way dedicated to the City of Willamina upon platting. The submitted plan set show improved streets, curbs, gutters, sidewalks, street lights, hydrants, storm facilities, water, and sewer. Consistent with WDC 2.202.03 'Streets, General Provisions,' (C) 'Alignment,' the proposed streets are in alignment with existing streets by continuation of the centerline. (D) 'Future extension of streets' is satisfied through the extension of both 6th Street and Kindness Street to the eastern boundary of the subdivision. (E) 'Intersection Angles' requires intersection angles to be near right angles. In this case the City Engineers have reviewed the submitted plan and have the ability to approve a modified angle, so long as the corner radius contained in the fire code sufficient. Consistent with (H), the proposed cul-de-sac does not serve more than 10 dwelling units. (J) 'Grades and Curves' require: Grades and Curves: Grades shall not exceed 8 percent on arterials, 10 percent on collectors, or 12 percent on any other public or private street. This is included as a recommended condition of approval.

WDC 2.202.04 'General Right of Way Improvement Width' contains the following table:

C. City of Willamina Cross Section Street Standards Table

Functional Classification	Minimum Right of Way (ROW)	Minimum curb to curb width	Number of Travel Lanes	On-Street Parking	Sidewalks	Bikeways
Arterial/Minor Arterial	50 <u>52</u> feet*	34 feet*	2*	One-side**	6 feet***	6 feet
Major Collector	44 <u>66</u> feet*	38 feet*	2*	Both sides	5 feet	Shared
Minor Collector	42 <u>64</u> feet*	36 feet*	2*	Both Sides	5 feet	Shared
Local Street	38 <u>40</u> feet	28 feet	2	One Side^	5 feet	Shared
Shared-use Path	14 feet	N/A	N/A	None	12 feet N/A	Shared

All Table: There is a required 10-foot wide PUE along property frontages, which would apply to all street classifications.

* May require widening (12 feet) at major intersections to provide turn lane

** Both sides of the street with City Engineer approval in the Commercial district. increase curb to curb width by 8 feet

*** Commercial district 8 feet

Parking allowed on both sides if curb cut length makes up 40% of total linear street frontage. when curb to curb width is 36 feet and right of way is 48 feet

As submitted, Highlands Loop is proposed to be a 50-foot right of way, increasing the existing 34-foot curb to curb width to 36 feet to provide for on-street parking on both sides. Kindness Court is 36 feet wide street within a 50-foot right-of-way. Kindness Street and Joyful Streets propose 28-foot paving within a 40-foot

right-of-way, limiting parking to just one side only. 6th Street a 36-foot street within a wide right-of-way which includes a slope. This width to be provided on the final plat. All streets show sidewalks on both sides. The street standards are met or exceeded as proposed.

WDC 2.202.05 'Modification of Right-of-Way and Improvement Widths' states that the City has the authority to approve modified right-of-way and improvement widths when certain conditions are met. Those conditions include unusual topography, parcel shape or configuration, trees or other natural features, etc. and based upon anticipated traffic volumes. The applicant proposes to build Highlands Loop wider than the standard to incorporate parking on both sides. The City Engineers have reviewed and approved the proposed plan.

WDC 2.202.10 'Pedestrian Access and Circulation' requires a continuous walkway system through the development. The development is required to provide sidewalks on both sides of the streets. This standard can be met.

WDC 2.202.11 'Access Management' provides spacing standards of 20 feet for local classification and collector 100 feet, and 250 feet for arterial.

WDC 2.202.12 'Transportation Impact Analysis / Transportation Impact Study' (B) states that a TIA is required for (3) an increase in site traffic volume generation by 300 average daily trips (ADT) or more. The applicant has provided a TIA prepared by DKS Associates dated May 2023. The TIA has been reviewed by Willamina Public Works, City Engineer, and the Oregon Department of Transportation (ODOT). The table below shows the anticipated trip generation of 60 units total, split between single family attached and detached.

TABLE 5: SITE TRIP GENERATION

LAND USE	ITE CODE	QUANTITY	AM PEAK HOUR			PM PEAK HOUR			WEEKDAY
			TOTAL	IN	OUT	TOTAL	IN	OUT	
SINGLE-FAMILY (UNATTACHED)	210	30 dwelling units	25	6	19	32	20	12	333
SINGLE-FAMILY (ATTACHED)	215	30 dwelling units	10	2	8	14	8	6	178
TOTAL	-	60 dwelling units	35	8	27	46	28	18	511

Using these trips, the analysis looked at trip distribution (where they would go), intersection operations as level of service LOS), left turn lane warrants, etc. Here are some of the TIA conclusions:

- The development is estimated to generate a total of 35 (8 in, 27 out) AM peak hour trips, 46 (28 in, 18 out) PM peak hour trips, and 511 total weekday trips.
- The study area included analysis of three study intersections at NW B Street & Willamina Drive, NE Main Street (Willamina-Sheridan Highway) & NW B Street, and NE Main Street (Willamina-Sheridan Highway) & NE Oaken Hills Drive.
- All study intersections meet City standards under all analysis scenarios. No mitigations based on vehicle operations are required.

- Based on preliminary sight distance measurements, there is sufficient sight distance at all proposed driveways for safe turning movements.
- According to the ODOT Analysis Procedures Manual, left turn lanes are warranted on the eastbound approaches at NE Main Street & NW B Street and NE Main Street & NE Oaken Hills Drive under both 2026 No Build conditions and 2026 Build conditions.

WDC 2.203 requires two off-street parking spaces per dwelling unit. The applicant states that all lots will provide two paved off-street parking spaces plus garage, in addition to on-street parking.

3. Monuments: Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

4. Bench Marks: Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

FINDINGS: Compliance with monuments and benchmark standards are included as standard conditions of approval. The applicant can meet this standard through compliance with those conditions.

5. Surface Drainage and Storm Sewer System: Drainage facilities shall be provided within the subdivision in accordance with Section 2.204 of this Code and shall connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be in accordance with Section 2.204 of this Ordinance and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

FINDINGS: The applicant states “Stormwater detention is proposed for the development through the use of detention pipes similar to Phases I and II.” The City Engineer has reviewed the applicant materials and has provided comments in consultation with the City Public Works Department. Those comments are attached as Exhibit A. Stormwater quality and quantity management is required. A stormwater report is required prior to plan approval. This standard can be met.

6. Sanitary Sewers: Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction.

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction.

FINDINGS: The applicant states “Public sewer will be extended from the west for Phase III and to the intersection of C and 5th Streets for Phases IV, V, and VI.” The City Engineer has reviewed the applicant materials and has provided comments in consultation with the City Public Works Department. Those comments are attached as Exhibit A. This standard can be met.

7. Water System: Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed.

FINDINGS: The applicant states “Fire flow tests were run with the development of Phases I and II to document the available fire flow is adequate. Additionally, the development will loop the water system providing redundancy and better fire flows to the development.” The City Engineer has reviewed the applicant materials and has provided comments in consultation with the City Public Works Department. Those comments are attached as Exhibit A. This standard can be met.

8. Sidewalks: Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required offsite sidewalks or sidewalks fronting public property shall not be deferred.

FINDINGS: The applicant states “All streets will be improved to City standards.” The City Engineer has reviewed the applicant materials and has provided comments in consultation with the City Public Works Department. Those comments are attached as Exhibit A. Sidewalks shall be installed on both sides of public streets. This standard can be met.

9. Other:

a. Driveway installations, excluding common drives, are not required of the subdivider but, if installed, shall be according to the City standards.

b. Street tree planting is not required of the subdivider but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip.

10. Street Lights. The installation of street lights is required at locations and of a type required by City standards.

11. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards.

FINDINGS: The applicant states “Street lights and signing will be installed per City Standards.” The City Engineer has reviewed the applicant materials and has provided comments in consultation with the City Public Works Department. Those comments are attached as Exhibit A. This standard can be met.

12. Traffic Circulation. The proposed subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, transit neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe, convenient and direct traffic circulation. At a minimum, "nearby" is interpreted to mean uses within one quarter (1/4) mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably expected to be used by bicyclist.

FINDINGS: The applicant states "The subdivision as proposed is the most efficient way for all modes of transportation. All traffic is directed to 6th Street and Willamina Drive which directs traffic directly to the City center." The City Engineer has reviewed the applicant materials and has provided comments in consultation with the City Public Works Department. The submitted TIA was addressed previously. This standard can be met.

13. Connectivity. To achieve the objective in B12 above, the City may require the following:

- a. Stub Streets: Where the potential exists for additional residential development on adjacent property.*
- b. Non-motorized Access. Pedestrian access and circulation shall be provided consistent with Subsection 2.202.10. New subdivisions shall provide safe bicycle and pedestrian connections to adjacent existing and planned residential areas, transit stops, schools, parks, shopping areas, and employment centers. Non-motorized connectivity may be provided through sidewalks, trails, and marked/signed bicycle facilities on local streets.*

14. Collector and Arterial Connections. Pedestrian/bicycle accessway connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other pedestrian/bicycle accessway. If natural features (e.g., adverse topography, streams, wetlands) exist, the provisions of accessways may be limited. Additionally, if buildings or other existing developments on adjacent lands may physically preclude a connection now or in the future considering the potential for redevelopment.

15. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards:

- a. Minimum improved width: 10 feet*
 - d. Pedestrian scale lighting fixtures shall be provided along the walkway and lighted to a level where the system can be used at night.*
 - e. The accessway shall be designed to prohibit vehicle traffic.*
- All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.*

FINDINGS: Regarding connectivity, the applicant states "The proposed development has two direct connections to 6th Street which is a City Collector Street." As previously addressed, the proposed development also provides street stubs to the east on both Kindness Street and 6th Street, providing for

future street connectivity. Stubs to the north were not feasible due to topography. Sidewalks are required and shown on both sides of all public streets.

The distance between the two street stubs to the east is more than 600 feet. WDC 2.202.10 states that the purpose of the 'Pedestrian Access and Circulation' is "... to provide for safe, reasonably direct, and convenient pedestrian access and circulation." Staff is recommending the provision of a mid-block public accessway to be used by bicycles and pedestrians for connection to future development of the property to the east. Pursuant to WDC 2.202.04 General Right-of-Way and Improvement Width (C) Cross Section Street Standards Table, Shared Use Paths require a minimum 10-foot wide paved surface within a minimum 14-foot right-of-way dedication.

One feasible location would be the 15-foot wide city access easement proposed across the north side of Lot 59 to access the 21-foot wide storm and sanitary sewer easement down the east side of the subdivision. The City Engineer is requiring the paved width to be increased to 12 feet to accommodate Public Works vehicles and equipment servicing the sewer/storm manholes. To address concerns about trespass onto neighboring properties, the 12-foot wide paved pathway would be maintained with bollards and signage as Public Works utility access only, until public through-access is feasible.

This standard can be met by the applicant through compliance with the recommended conditions of approval.

16. Parks & Recreation Facilities for Residential Subdivisions. All residential subdivisions shall meet the following requirements for provision of parks and recreational facilities.

a. Areas Required: Except as modified in Section 16.b, below, an area of land, the size of which shall be (10) percent of the gross area of the subdivision shall be set aside and dedicated by the subdivider to the public for parks and recreation purposes.

b. Payment in Lieu of Park Land: If the subdivision developer requests to pay a fee in lieu of dedicating park land, and the Planning Commission determines that there is no park facility identified in the adopted Parks Master Plan for the subject property, then the subdivider shall be approved to pay to the City a sum of money equal to the market value of the land that would have been required in Section 16.a, above.

1. Market value shall be established by a professional land appraiser who is a candidate or member of the American Institute of Real Estate Appraisers, or who has been certified by the State of Oregon as a certified appraiser. A date which is within sixty (60) days of the submission of the tentative plan shall be used for the purposes of fixing the value (except that appraised value shall always be determined after the parcel's annexation to the City). The City shall be responsible for securing the services of the professional appraiser and submitting those appraisal figures for the Planning Commission's consideration. The developer shall be responsible for reimbursing the City for the appraisal fees.

2. The sum of money established by this procedure shall be paid to the City prior to the signing of the final plat by the Planning Commission chairperson.

c. Expenditure of Funds: Funds contributed in lieu of park land dedicated by a subdivision may be expended by the City for the purposes of acquiring, developing, upgrading, or maintaining public park properties, and other recreational facilities and programs which benefit the residents of the Willamina community. Acquisition of new park properties shall be consistent with the adopted Parks Master Plan, or as otherwise approved by the Commission and Council as suitable and adaptable for such purposes.

FINDINGS: The applicant states "A fee in lieu is proposed to be paid to the City." This is included as a recommended condition of approval, to be paid prior to the recording of each phase.

2.208.6 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.

B. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.

C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.

D. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

E. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one (1) set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City by the Developer's engineer.

FINDINGS: Reference to the standard improvement procedures are included as standard recommended conditions of approval. This can be met.

2.209.08 Clear Vision

A. A clear vision area shall be maintained on the corner of all property at the intersection of two (2) streets or a street and a railroad, alley or driveway. A clear vision area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height (30 inches), measured from the ground. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the ground.

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines along the intersecting streets, and the third side of which is a straight line connecting points on the lot lines at a distance specified below from the intersection of these lot lines. Where the lot lines have rounded corners, the lot lines shall be extended to their point of intersection in order to measure this distance. The distance used to establish the clear vision triangle shall be as follows:

1. In a residential zone thirty (30) feet, or at intersections including an alley or a private driveway, ten (10) feet.
2. In all other zones, where front and side yards are required, the minimum distance shall be fifteen (15) feet, or at intersections including an alley or a private driveway, ten (10) feet.

2.209.9 Fences, Walls and Hedges

FINDINGS: Clear vision areas and fences/walls/hedges are included as a standard conditions of approval. They are the ongoing obligation of the developer and subsequent property owners.

IV. DECISION CRITERIA & FINDINGS - VARIANCES

3.104 VARIANCES - MINOR AND MAJOR

3.104.1 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements.

A minor variance may be approved for those requests resulting in no more than a ten percent (10%) change in a quantifiable standard. Otherwise, any change to a quantifiable standard will require a major variance.

3.104.2 Applicability

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

- A. The proposed variance would allow a use which is not permitted in the district;
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard;
- C. Modification of the requirement or standard is prohibited within the district; or

D. An exception from the requirement or standard is not allowed in the district.

FINDINGS: There are four variance categories addressed with this staff report. They are numbered as follows:

1. VAR 23-01: Variance to lot depth-to-width ratio for lots 33, 35 – 46, 65, 66, 84, and 85.
2. VAR 23-02: Variance to through lot standard for lots 47 – 52.
3. VAR 23-03: Variance to block length standard for sections of Highland Loop and 6th Street.
4. VAR 23-04: Variance to minimum lot size of Lot 34 due to required property dedication to accommodate alignment of City water line project.

The applicability guidelines above are satisfied. The criteria for each variance are addressed below.

A. VARIANCE #VAR 23-01: Variance to lot depth-to-width ratio for lots 33, 35-46, 65, 66, 84, 85.

3.104.4 Criteria and Procedure - Major Variance

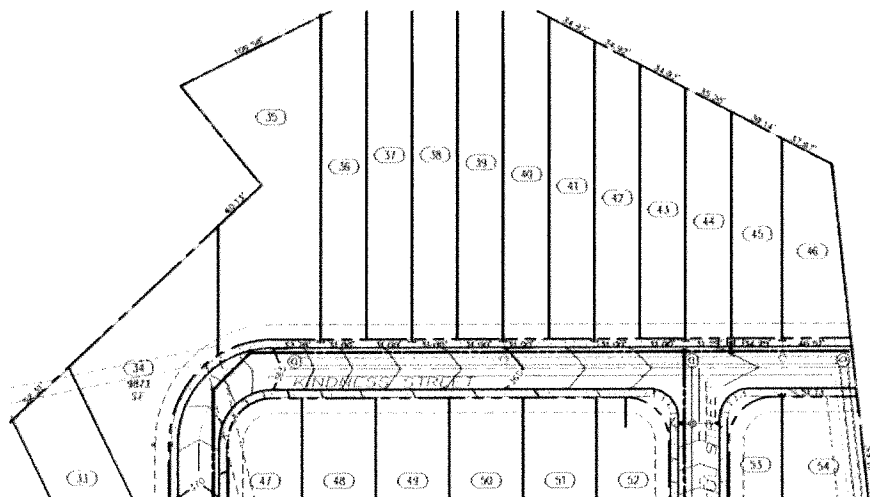
The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

FINDINGS: WDC 2.208.03 ‘Standards for Lots and Parcels’ (B) ‘Lot width and depth’ provides a maximum ratio of 2.5 for detached single-family homes and 3 for attached dwellings.

The applicant states “The variance requested is due to the existing property configuration and topographic constraints of the site. The northerly portion of the property is very steep eliminating the possibility of a street which would negate the need for a variance for lots 35 through 46. Because of the existing topography, it is necessary to have long, skinny lots (Lots 35-46). The configuration of Lots 33, 65, 66, 84 and 85 are restricted due to the existing property boundaries and the required street layout required to connect to the existing street network and provide ADA accessible routes. The lot width to depth ratio for these lots is not significantly over the Standard.”

Staff concurs with the applicant’s response. The variance is necessitated by the interest of utilizing the land most efficiently, while navigating steep slopes and street alignment challenges. The unique steep slopes render the northern portion of the lots unbuildable. For this reason, the applicant is looking for relief from the standard in order to build compact dwellings on narrow lots abutting Kindness Street. While originally envisioned as cottages, these narrow lots are now proposed to be townhouse lots (THL). The overall lot size for each of these lots exceeds the minimum lot size of the R2 zone. Related to the narrow lot size, staff has included a recommended condition of approval for the applicant to comply with the minimum lot frontage by either developing some of the lots as townhouses and/or reducing the number of lots on the block to meet that standard. Even when one or both of those actions are taken, this variance request will still be necessary, and would still be supported due to the constraints of the slopes. Example of the topography shown below in a screenshot from the applicant’s plan set:



B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

FINDINGS: The alternative option available to the applicant, rather than a variance would be to increase the size of the lots, which would reduce the density, potentially below the minimum density required in the R2 zone. For this reason, staff supports this variance to ensure efficient use of the serviceable residential land supply within city limits.

C. The authorization of such variance will not be materially detrimental to the public health, safety or welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

FINDINGS: The future development of homes on the subject properties would be required to comply with the minimum setbacks, height, off-street parking, access spacing, and all other applicable development standards found within the WDC and Public Works standards. No conflict is anticipated with these variances.

D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

FINDINGS: The proposed lot alignment has resulted from discussions between the applicant and city staff regarding the most efficient alignment of streets and utilities given the existing alignment of utilities, streets, and slopes. The special conditions are not a result of negligence or knowing violation.

E. The variance requested is the minimum variance which would alleviate the hardship.

FINDINGS: A smaller variance would require larger lots containing large unbuildable portions of property. This would result in inefficient use of land and fewer houses provided within the community of Willamina. This standard is met.

B. VARIANCE #VAR 23-02: Variance to through lot standard for lots 47 – 52.

3.104.4 Criteria and Procedure - Major Variance

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

FINDINGS: WDC 2.208.03 E. *'Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the City during the review of the land division request.'*

Staff concurs with the applicant's response. The variance is necessitated in the interest of utilizing the land most efficiently, while navigating steep slopes and street alignment challenges.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

FINDINGS: The unusual topography along the northern boundary might render a portion of the subject property undevelopable without access to a public street. The applicant has solved this problem through the alignment of Kindness Street, which results in the creation of through lots.

C. The authorization of such variance will not be materially detrimental to the public health, safety or welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

FINDINGS: The future development of homes on the subject properties would be required to comply with the minimum setbacks, height, off-street parking, access spacing, and all other applicable development standards found within the WDC and Public Works standards. Plat note #5 states that the access points (driveways) to Lots 47 – 51 will be taken from Highlands Loop, and access to Lot 52 will be from Kindness Street to ensure access spacing standards are met. No conflict is anticipated with these variances.

D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

FINDINGS: The proposed through lots result from the applicant attempting to solve the problem of providing public street access and connectivity on challenging topography. The special conditions are not a result of negligence or knowing violation.

E. The variance requested is the minimum variance which would alleviate the hardship.

FINDINGS: The controlled access points and relatively low traffic volume on the subject block make the requested variance manageable. The alignment of Kindness Street provides access to all developable portion of the subject property. This standard is met.

C. VARIANCE #VAR 23-03: Variance to block length standard for sections of Highland Loop and 6th Street.

3.104.4 Criteria and Procedure - Major Variance

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

C. The authorization of such variance will not be materially detrimental to the public health, safety or welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

E. The variance requested is the minimum variance which would alleviate the hardship.

FINDINGS: WDC 2.208.04 'Standards for Blocks' provides a maximum 250-foot block length, as revised by the most recent package of code amendments.

The applicant states *"The block length of Highland Loop and 6th Street is just over 2,300 feet. This is due to the existing property configuration and topographic constraints of the site. The northerly portion of the property is very steep eliminating the possibility of any streets extending north. The City owns a 1.3 acre parcel, occupied by the City's water tank and pump station, in the middle of the development on the south side of the development. It is not possible to extend the Kindness Court south to 6th Street through the City property to eliminate the need for a variance."*

Staff concurs with the applicant's response. The variance is necessitated in the interest of utilizing the land most efficiently, while navigating steep slopes and street alignment challenges. The proposed lot alignment has resulted from discussions between the applicant and city staff regarding the most efficient alignment of streets and utilities given the existing alignment of utilities, streets, and slopes. The special conditions are not a result of negligence or knowing violation.

To address the long block length exceeding 600 feet between the two proposed street stubs to the east, Kindness Street and 6th Street, staff has included a recommended condition of approval requiring a pedestrian/bicycle accessway at the same location as one of the two proposed 15-foot wide city access easements to the sewer/storm manholes. Until the large abutting property to the east is developed, the pathway shall be maintained as a city utility access only, with signage and removable bollards. There is uncertainty about how and when the large undeveloped property to the east might develop, but this non-vehicular access mitigates the long block length between the two street stubs to the east.

D. VARIANCE #VAR 23-04: Variance to minimum lot size of Lot 34 due to required property dedication to accommodate alignment of City water line project.

3.104.4 Criteria and Procedure - Major Variance

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.*
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.*
- C. The authorization of such variance will not be materially detrimental to the public health, safety or welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.*
- D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.*
- E. The variance requested is the minimum variance which would alleviate the hardship.*

FINDINGS: This is an additional variance caused by the City's requirement for the realignment of a raw water line and the corresponding easement for that water line. The applicant has consulted with City Engineers and proposes to dedicate a tract of land containing the water line to the City, resulting in a reduced lot size for Lot 34. This variance from the standard 5,000 SF to the proposed 4,511 SF results from the City water line. The developer believes that Lot 34 continues to be developable in compliance with the City's adopted R2 zone dimensional standards. Staff supports the reduced lot size proposed.

V. CONCLUSIONS AND RECOMMENDED CONDITIONS OF APPROVAL

Based upon the adopted decision criteria detailed above, staff recommends APPROVAL of Subdivision #SUB 23-01 and concurrent variances #VAR 23-01, VAR 23-02, VAR 23-03, and VAR 23-04, subject to the following recommended conditions of approval.

1. APPROVAL. Approval of preliminary plans for a subdivision shall be valid for one year after the date of the written decision. A Final Plat for subdivision Phase III shall be recorded within this time period, or the approvals shall lapse. The final plat recording deadline for Phases IV – VII shall be ten (10) years, consistent with ORS 92.040.
 - a. The Planning Commission, after holding a hearing may extend the approval period for any subdivision or PUD for not more than one (1) additional year at a time provided the applicant demonstrates that all fees payable to the city related to the subdivision have been paid in full. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.
2. CONCURRENT VARIANCES. Subdivision #SUB 23-01 is approved contingent upon the approval of concurrent variances # VAR 23-01, VAR 23-02, VAR 23-03, and VAR 23-04.
3. FINAL PLAT. Final plat shall be submitted and reviewed in compliance with WDC 3.107.04 'Form of Final Subdivision Plat' and WDC 3.107.05 'Final Plat Review of Subdivision.'
 - a. Final plat shall show full extent of all boundaries of subject property.
4. CITY ENGINEER COMMENTS. Applicant shall comply with City Engineer Comments submitted by Keller Associates dated October 20, 2023, attached in Exhibit A.
5. FIRE DEPARTMENT APPROVAL. Fire Department approval shall be secured prior to civil plan set approval and prior to final plat approval of each phase. Fire Department review shall be consistent with the Oregon Fire Code adopted by Yamhill County, and shall address site access, turn-arounds, corner radius, hydrant spacing, fire flow, addressing, etc.
 - a. Consistent with the 2019 Oregon Fire Code, a minimum radius of 28 is required at the curb line of all intersections, unless otherwise approved by the Fire Department and City Engineer.
 - b. Consistent with the 2019 Oregon Fire Code, a gravel secondary emergency access road of minimum 20-foot width shall be provided with locking removable bollards or gate, until a permanent paved street connects the full subdivision.

6. FEE IN LIEU OF PARK LAND. Prior to plat approval of each phase, applicant shall pay to the City a payment in lieu of park land for that phase, consistent with the methodology detailed in WDC 2.208.05 (B)(16).
7. IMPROVEMENT PROCEDURES. Applicant shall comply with WDC 2.208.06 Improvement Procedures.
8. ATTACHED DWELLINGS. Lots proposed for attached dwellings shall be labeled “THL” for townhouse lot. Townhouses may be developed in groups of 2 or 3 units connected. Development of each THL shall provide a minimum of 300 square feet of semiprivate outdoor living space for each unit.
9. ZERO SIDE YARD MAINTENANCE AGREEMENT. Pursuant to WDC 2.209.04, as a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Attorney and shall be recorded with the County Recorder prior to issuance of the permit.
10. RESTRICTED ACCESS.
 - a. Through lots 47 – 51 shall take access from Highlands Loop rather than Kindness Street, to protect on-street parking along that block of Kindness.
 - b. Lot 52 may take access from Kindness to comply with intersection access spacing standards.
 - c. Through lots 77 and 78 shall not take access from Kindness Court. Access restriction shall be shown prior to final plat approval.
11. ACCESS MANAGEMENT. Driveways shall meet Access Management provisions in the Transportation System Plan and in WDC Section 2.202.11.
 - a. One access point is permitted for each single-family dwelling.
 - b. Residential driveways shall be separated from a street intersection by at least 20 feet.
 - c. Residential driveways shall be separated from adjacent driveways a minimum of 10 feet.
12. MID-BLOCK PEDESTRIAN/BICYCLE ACCESSWAY. Prior to final plat approval of Phase V, applicant shall dedicate a mid-block public pedestrian and bicycle accessway connecting Highlands Loop to the eastern subdivision boundary. The recommended location is the northern boundary of Lot 59. Pursuant to WDC 2.202.04 General Right-of-Way and Improvement Width, Shared Use Paths require a minimum 14-foot right-of-way dedication. The paved pathway centered within the dedicated right-of-way shall be minimum 12-foot width to accommodate City Public Works equipment access to sewer/storm line manholes. Pathway construction shall include at least two removable bollards at the back of sidewalk, and signage indicating City utility access only.
13. CITY ACCESS EASEMENT: No structures, fences, or sheds shall be placed within the 15-foot wide City Access easement centered on the boundary between lot 65 and 66.

14. **TURN AROUNDS.** Prior to final plat approval for each phase, developer shall provide a gravel turn-around hammerhead for emergency vehicles, garbage trucks, construction vehicles, etc. at each dead-end.
15. **OFF-STREET PARKING.** Pursuant to WDC 2.203.9 The provision and maintenance of off-street parking is a continuing obligation of the property owner.
 - a. Prior to building permit approval, site plans for townhouse lots shall demonstrate two off-street paved parking spaces in addition to the required garage of minimum dimensions.
 - b. Pursuant to WDC 2.209.3 'No Parking in Front Yard, Yards Adjacent to a Street,' A) Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this or any City Ordinance. B) The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles.
16. **CLEAR VISION AREAS.** Pursuant to WDC 2.209.8 'Clear Vision,' Maintenance of clear vision areas shall be the ongoing obligation of the property owner.
17. **FENCES.** Compliance with WDC 2.209.09 Fences, Walls, and Hedges shall be the ongoing obligation of the property owner.
18. **LOT GRADING.** The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.
19. **UTILITY EASEMENTS.** Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in WDC 2.205.02(l).
20. **MONUMENTS.** Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.
21. **BENCH MARKS.** Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

VI. PLANNING COMMISSION OPTIONS

The Planning Commission may take one of the following actions:

- A. Motion to APPROVE Subdivision # SUB 23-01 and concurrent Variances # VAR 23-01, VAR 23-02, VAR 23-03, and VAR 23-04 and adopt the findings and recommended conditions of approval included in the staff report to the Planning Commission.
- B. Motion to APPROVE Subdivision # SUB 23-01 and concurrent Variances # VAR 23-01, VAR 23-02, VAR 23-03, and VAR 23-04 and adopt the findings and recommended conditions of approval included in the staff report to the Planning Commission, as REVISED by the Planning Commission, stating desired revisions.
- D. Motion to CONTINUE the public hearing on the concurrent files to a time and date certain, and indicate the additional information needed to allow for a future decision; or
- E. Motion to DENY the application(s), stating the revised findings and conclusions in support of the denial.

RECOMMENDED MOTION:

- A. Motion to APPROVE Subdivision # SUB 23-01 and concurrent Variances # VAR 23-01, VAR 23-02, VAR 23-03, and VAR 23-04 and adopt the findings and recommended conditions of approval included in the staff report to the Planning Commission.

City Engineer Recommended Conditions of Approval**October 20th, 2023****Project:** Ridgeview Subdivision**Owner:** Tim Wenger**Zoning:** R2**Tax Lot:** 500**Client:**

City of Willamina

The following comments are recommended conditions of approval for the Ridgeview Subdivision:

- General
 - All public development and utility improvements shall comply with section 2.2 – General Development Standards of the Willamina Development Code (WDC) and shall be prepared by an Oregon registered Professional Engineer submitted to the City for review by the Public Works Director and City Engineer.
 - Adhere to City of Salem Design Standards where WDC does not address the issue.
- Traffic
 - Correct “Ridgefield” to “Ridgeview” on the cover and throughout the document.
 - Finalize and stamp TIA and provide to City.
- Storm - 2.204
 - Stormwater quality and quantity management will be required.
 - Stormwater report required prior to plan approval.
- Water - 2.205.02
 - Continue collaboration to obtain city engineer approval on raw water pipeline replacement. The most current version shows the development dedicating a portion of the property to the city and locating the new raw water pipeline in right-of-way the remainder of the alignment.
 - Water sheets: Show waterline profile and identify potable/nonpotable crossings.
- Sewer - 2.205.02
 - Utility Sheets: Reduce slopes to less than 10% and add inside drops if necessary.
- Streets and Frontage Improvements – 2.202
 - Sheet ST-1: Sidewalks shall be on both sides of street.

November 22, 2023

I am not opposed to a mid-block ROW dedication. I would like to have two. One located between lots 58 and 59, and one between lots 64 and 65. This would alleviate the need for the easement currently shown between lots 65 and 66. This will reduce the "blocks" to less than 250'. They should be 15' in width with at least 12 wide paved path for heavy vehicles (i.e. vactor truck or other city service vehicle. There should be at least two removable bollards at the back of sidewalk and there should be signage that this is a utility access for city purposes and that there is no access to the neighboring property.

PETER OLSEN, PE

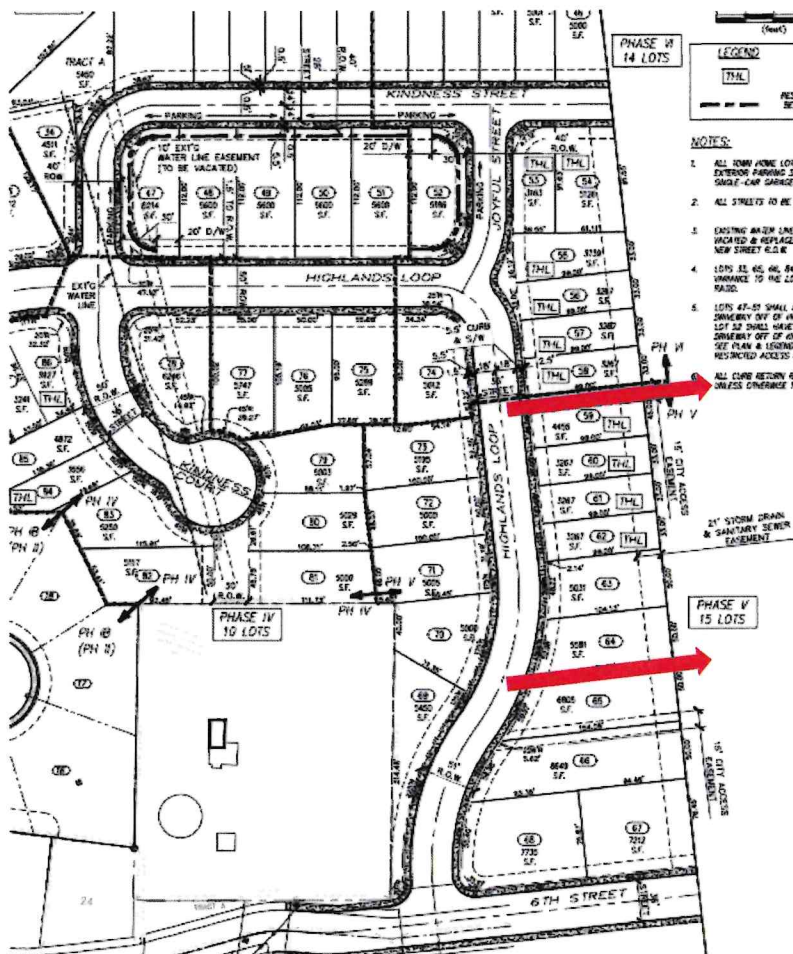
Project Manager

OFFICE 503-364-2002 | CELL 503-910-2421

DIRECT 971-405-6301

245 Commercial Street SE, #210, Salem, OR 97301

kellerassociates.com



FIRE DEPARTMENT November, 2023

Regarding the "access and egress" of the new phases of the subdivision, the builder has talked about both in past conversations. I think there does need to be something in writing about securing a secondary access and egress while the additional phases are built out.

We have discussed at least having a gravel road that would be passable in the event of an emergency. This access may have a blockade or gate to minimize passage during normal times, but would need to be removable for emergencies. I understand that the building out of the new phases will take some time and in the end there will be a permanent secondary access and egress. It is important that a temporary one be maintained through out the completion of the subdivision.

Yes, 2019 application guide is the current and accurate one. I didn't reference it or a lot of the hydrant spacing and radius items in my comment because most of that type info is on the site maps.

Let me know if you have a specific question on any of those items, but I am assuming that the site map has to be followed unless they come to us for changes.

Yes, the radius is 28 at the curb.

I apologize for citing the city's requirements in my reply. After talking with Bridget yesterday, I realized I may have confused Willamina with Sheridan. I thought their were city ordinances or code that followed the fire code. I apologize if that is not the case.

Damon Schulze
Battalion Chief
Grand Ronde Emergency Services



Oregon

Tina Kotek, Governor

Department of Transportation

Region 2 Tech Center

455 Airport Road SE, Building B

Salem, Oregon 97301-5397

Telephone (503) 986-2990

Fax (503) 986-2839

DATE: September 15, 2023

TO: Casey Knecht, PE
Development Review Coordinator

Arielle S. Ferber 2023.09.15
10:18:52 -07'00'

FROM: Arielle Ferber, PE
Traffic Analysis Engineer

SUBJECT: Willamina Ridgeview Estates Development (Willamina, OR) – Outright Use
TIA Review Comments

ODOT Region 2 Traffic has completed our review of the submitted traffic impact analysis (dated May 2023) to address traffic impacts due to development northeast of NW Highlands Loop and NW Sixth Street in the city of Willamina, with respect to consistency and compliance with ODOT's Analysis Procedures Manual, Version 2 (APM). The APM was most recently updated in August 2023. The current version is published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>. As a result, we submit the following comments for the City's consideration:

Analysis items to note:

- This study does not contain a simulation-based queuing analysis. Such analysis would have been scoped if this study had been required under ODOT's authority.
- The study notes project K22556 as a funded ODOT project rebuilding ADA ramps along OR 18B and evaluating the safety of intersections along those segments including the Main Street Triangle. However, it should be noted that ADA projects typically do not evaluate intersection safety and additionally the Main Street Triangle is not currently included in the K22556 project for ADA ramp improvements.

Recommended analysis items to be addressed:

1. The study assigned 10% of site related trips to/from NW Oaken Hills Drive. Due to the nature of the development (residential) and existing traffic patterns it's possible that a higher percentage of trips would be traveling to/from NW Oaken Hills Drive (i.e. the elementary, middle, and high school). Assigning more trips to/from NW Oaken Hills Drive would not impact the operations significantly enough to change the conclusions of the analysis. However, the development would add more trips to the eastbound left-turn movement (OR 18B onto NW Oaken Hills Drive), which already meets left-turn lane volumes warrants. Adding this exclusive left-turn lane would improve operations for

eastbound through vehicles and increase safety as left-turning vehicles feel less pressure to take insufficient gaps when they have their own lane to wait in.

2. Typically, ODOT will not run analyses with zero vehicles making available permitted movements. Rather, if count data does not identify any vehicles within the peak hour making a movement, we recommend assuming a low volume (1 or 2) rather than zero. The algorithms within Synchro utilize different formulas if there are zero conflicting vehicles.
3. There is a limitation within Synchro of the HCM unsignalized intersection methodology for shared left-turn approaches. Major street left turns are always treated as exclusive turn lanes regardless of how they are coded. Mainline v/c ratios on shared lane approaches should include traffic volumes from all movements. See Section 12 of the APM (Example 12-3) for further guidance. This will affect the operational results but not the conclusions of the study as none of the mainline operations are close to exceeding their respective mobility targets.
4. Raw traffic counts for the NW Willamina Drive at NW B Street intersection were not included in the Appendix, therefore, traffic volumes at the intersection could not be confirmed.

Proposed mitigation comments:

5. ODOT maintains jurisdiction of the Willamina-Sheridan Highway No. 157 (OR 18B) and ODOT approval shall be required for all proposed mitigation measures to this facility.
6. No mitigation measures have been proposed. However, Region 2 Traffic recommends consideration of installing an eastbound left-turn lane at the Main Street (OR 18B) at Oaken Hills Drive intersection, and improvement consistent with Willamina TSP Project R-5 (restripe to add a dedicated left-turn lane on NE Main Street to Oaken Hills Drive). This left-turn movement currently meets left-turn lane warrants, and the proposed development would add trips to the eastbound left-turn movement.

Thank you for the opportunity to review this traffic impact analysis. As the analysis software files were not provided, Region 2 Traffic has only reviewed the submitted report.

This traffic impact study has been, for the most part, prepared in accordance with ODOT analysis procedures and methodologies. If the City determines any of the above comments will merit the need for reanalysis, we would be willing and able to assist with a second round of review.

If there are any questions regarding these comments, please contact me at (971) 208-1290 or Arielle.Ferber@ODOT.state.or.us

EXHIBIT C

From Tim Wenger 10/28/23:

These houses are at 1007 and 1009 Highlands Loop and 332 and 342 Hope Court, Willamina.

Each home has at least 2 off street parking spaces plus a garage.



