

ORDINANCE NO. 570

AN ORDINANCE ANNEXING TO THE CITY OF WILLAMINA THE AREA AND TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS, Florian P. Mauer is the sole owner of the tract of land herein described in Exhibit "A", and has petitioned and desires that said property be annexed to the City of Willamina, Oregon; and

WHEREAS, the above-described area and property is contiguous to the City of Willamina, Oregon; and

WHEREAS, on October 13, 1994, the City Council unanimously passed Ordinance 566 at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, pursuant to Ordinance 566, the Recorder of the City of Willamina, Oregon, caused notice of said public hearing to be published once each week for two successive weeks prior to the date of said hearing in The Sun, a newspaper of general circulation in the City of Willamina, Oregon, and caused notices of said public hearing to be posted in four public places in the City of Willamina, Oregon, for a period of at least two weeks prior to said public hearing, all of which appears from the certificate of the Recorder on file in the Recorder's office, and which notice described the territory and area proposed to be annexed to the City of Willamina, Oregon, and called said meeting to be held in question of the annexation.

WHEREAS, said public hearing was held October 27, 1994 before the City Council of the City of Willamina, at the Willamina City Hall at which time the registered voters and other interested citizens were invited to be heard on the question of annexation of said territory and area hereinabove first described; and

WHEREAS, the City Council of the City of Willamina, hereby adopts and makes and enters as its findings of fact those findings set forth on Exhibit "B" which is attached hereto and by this reference made a part of; now therefore

THE CITY OF WILLAMINA, OREGON, ORDAINS AS FOLLOWS:

Section 1. That inasmuch as the owner of the real premises described above has consented in writing to the annexation of said territory and area, and such consent is on file in the Recorder's office in the City of Willamina, Oregon, IT IS HEREBY ORDERED, DECLARED, AND PROCLAIMED that the territory and area described in Exhibit "A" be and the same is hereby annexed to the City of Willamina, Yamhill/Polk Counties, State of Oregon.

Section 2. That the Recorder of the City of Willamina is hereby authorized and directed to make and submit to the Secretary of State of Oregon, the Assessor of Polk and Yamhill County, Oregon, the County Clerk of Polk and Yamhill County, Oregon, and the Department of Revenue, State of Oregon, a certified copy of the following documents:

(a) Copy of this ordinance.

PASSED and adopted by the City Council of the City of Willamina on this 27th day of October, 1994, by the following votes:

AYES: Councilors Eddy, Goff, Greb, Horne

NAYS: None

Approved by the Mayor on this 27th day of October, 1994.

Juvila D. Wells
Mayor

ATTEST:

A. Charles Brown
City Recorder

EXHIBIT A
ORDINANCE NO. 570

LEGAL DESCRIPTION

All of that certain property situated in the County of Polk,
State of Oregon, described as follows:

Beginning at the Northeast corner of the tract of
land 100 feet by 100 feet, deeded by Otto W. Heider
and wife to George W. Davis and wife, and recorded
on Page 307 of Volume 125, Deed Records for Polk
County, Oregon, which point is the South boundary
of Oak Street and is 165 feet South and 175 feet
West of the Northwest corner of Hillcrest Addition
to Willamina, Section 1 of Township 6 South, Range
7 West of the Willamette Meridian in Polk County,
Oregon; thence West 161.0 feet; thence South 407.11
feet to the South boundary of Fiet land; thence North
89°16' East along said South boundary 161.2 feet;
thence North 404.85 feet to the place of beginning.

EXHIBIT B

FINDINGS OF FACT

ANNEXATION AND ZONE CHANGE FOR A PARCEL
ON HILL STREET

ANNEX-94-1

October 20, 1994

APPLICANT: Florian P. Mauer

REQUEST: The applicant requests annexation into the City of Willamina and approval of a zone change from Suburban Residential to Single Family Residential. The Planning Commission will also consider a site plan review request to locate a home on the site.

COMP. PLAN DESIGNATION: Low Density Residential

LOCATION: 1075 SW Hill Street, Willamina

TAX LOT: 6712BA-900

CRITERIA: Article 3, Sections 3, 9.010, 9.020, 9.050; Article 4, Sections 1 and 9; Article 8, Sections 2 and 9; and Article 6 of the Willamina Development Ordinance; Willamina Comprehensive Plan (Land Use and Urbanization and Natural Hazards)

I. SUMMARY OF THE PROPOSAL

The applicant proposes to annex a 1.5 +/- acre parcel into the City and rezone the site from the Polk County RS zone to the City's Single Family Residential zone (R-1). The applicant requests annexation to allow placement of a manufactured home on the site and connection to City services. The City's Comprehensive Plan designates the site as Low Density Residential and identifies the site as a soil hazard area.

The City Council has final decision-making authority in this matter. The Planning Commission has an advisory role.

II. BACKGROUND

A. Proposed Uses

The applicant is proposing to site a manufacture home on the site. The R-1 permits single family residential development; the minimum lot size is 7,000 square feet.

B. Present Land Uses and Site Conditions

Present Land Uses. The applicant is presently storing a manufactured home on the site. The previous home on the site has been removed.

Comprehensive Plan/Zoning Designations. The site is designated Low Density Residential (LDR). The Single Family Residential (R-1) zone is compatible with the LDR designation.

Natural Hazards. The Comprehensive Plan identifies the site as having McAlpine Soils which have been characterized as having a high water table. The entire site has been identified as a soil hazard area.

Surrounding Land Uses. The site abuts the City limits along the eastern property line. The area is developed with single family residential development and zone R-1. North, south, and west of the site is outside the City limits.

C. Public Facilities

Water. There is a 6 inch water line approximately 150 feet east of the site on Hill Street. The Public Works Director has stated that a 2 inch water line will be extended to serve the site.

Sewer. There is an 8 inch sewer line approximately 150 feet east of the site. According to the Public Works Director, gravity sewer service is available to the site.

Transportation/Access. The site has sole access on Hill Street, a designated minor street. Hill Street has a 20 foot street improvement.

D. Referrals

Referrals were sent to the Public Works Director, Fire Chief, Polk and Yamhill County Planning Departments, and ODOT. At the time of this report the following comments had been received:

Public Works Director. The Public Works Director's comments are included in subsection C. above.

E. Notice

Notice of the Planning Commission public hearing was published in the Sheridan Sun and mailed to property owners within 500 feet of the site.

III. CRITERIA AND FINDINGS OF FACT

A. Annexation - Article 8 of the Zoning and Development Ordinance

The Development Ordinance lists five criterion which should be considered when reviewing an annexation:

1. The site is contiguous with the City limits or is separated from it by a stream only, and the annexation creates a simple, contiguous city boundary. The site is continuous with the City limits along the eastern property line. The annexation would constitute an orderly expansion of the boundary.
2. The site is within the urban growth boundary. The site is within the urban growth boundary and designated for low density residential use.
3. The site is feasible for orderly and economic provision of public facilities and services. According to the Public Works Director, water and sewer is available to the site. Therefore, the standard is met.
4. The proposed use of the site is necessary to ensure availability of land for choices in the marketplace. The Comprehensive Plan for the City ensures that enough land is planned to meet market demands. The Comprehensive Plan assumes that lands within the urban growth boundary will be annexed.
5. The site does not inhibit development within existing urban areas. Annexation of the site constitutes the logical expansion of the City limits. The site abuts the existing City limits and has the full compliment of urban services available.

B. Zone Change - Article 3, Section 9.020 of the Willamina Zoning and Development Ordinance

Approval or denial shall be based on the following criteria:

1. Approval of the request is consistent with the Comprehensive Plan designation for the site and the applicable goals and policies of the Comprehensive Plan. The R-1 zone is consistent with the LDR designation. The following are relevant Comprehensive Plan goals and policies:

Land Use and Urbanization Policies

- B. The City shall encourage the availability of sufficient land for various urban uses to ensure choices in the market place.
- C. The City shall efficiently utilize existing facilities and services by encouraging infilling of developable lands within the planning area.
- H. Annexation of urbanizable land shall be based on consideration of orderly, economic provision for public facilities and services; availability of sufficient land for various uses to ensure choices in the market place; Willamina Comprehensive Land Use plan goals and policies; and encouragement of development within urban areas before conversion of urbanizable areas.

Natural Hazard Policies

- A. Development proposals in areas with natural hazard restrictions shall use construction and design techniques that will eliminate the hazard potential and assure suitability for the proposed use.
- B. In hazard areas outside the floodplain, proposed development plans shall be reviewed for compatibility with public safety. Applications for such review shall include a geologic investigation prepared by a registered soils engineer or engineering geologist addressing the degree of hazard and potential mitigating measures. Development shall not occur unless the geologic investigation demonstrates that the property can be safely used as proposed. Development plans should, where the possibility of density transfer exists, provide for the retention of hazard areas as open space, with the clustering of development outside of hazard areas.

The site has been designated for residential development in the Comprehensive Plan. The full compliment of City services are available. Although the site is designated as a natural hazard area, it can develop under the provisions of the Restricted Development Overlay district.

- 2. The property and affected area is presently served with adequate public facilities, services and transportation to support uses allowed within the requested zone, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The full compliment of public services are either available to the site or can be made available to the site.
- C. Site Review - Article 3, Section 9.050 of the Willamina Zoning and Development Ordinance.

Site plan approval is based on the following factors:

1. The proposal conforms to the applicable standards and requirements of the Zoning Ordinance; and
2. Existing transportation, public facilities, and services are available and adequate to service the proposed use.

Prior to development site plan approval must be granted since the parcel is located in a designated hazard area. Article 4, Section 9.030 list the Restricted Development Overlay (R-D) district standards.

The R-D district is applied in areas identified as having severe soil limitations, slopes in excess of 20%, or within a flood hazard area. The comprehensive plan identifies the site as having areas of severe soil limitations and slopes in excess of 20%. Therefore, the following standards apply:

1. No development shall occur within those areas identified in Subsection 9.020 (A)(1) and (2), above, except in accordance with the provisions of this subsection.
2. Site Design Review, pursuant to the provisions of Article 3, Section 9.050, shall be required for all development proposals within soil hazard and/or steep slope areas. In the event of subdivision or Planned Unit Development proposals which affect soil hazard and/or areas of steep slope, Site Design Review for compliance with this subsection shall be combined with the review process for the subdivision or Planned Unit Development. No separate Site Design Review application or base fee shall be required for such combined reviews.
3. In addition to the submittal requirements of Site Design Review, the applicant shall submit a report prepared by a registered professional soils engineer or engineering geologist. This report shall describe:
 - a. The nature, distribution and strength of soils within the subject area;
 - b. Findings regarding the adequacy of the soils to support the intended types of structures or uses; and
 - c. Recommendations, if necessary, of construction measures required to adequately mitigate the potential soil or slope hazard.
4. If the Planning Commission determines that the geology report adequately addresses concerns for public safety from the applicable slope or soil hazard, and that other applicable provisions of this Ordinance are satisfied, the application shall be approved.

The Planning Commission may attach such conditions to the approval as are necessary to assure the public safety with respect to the hazard.

To comply with the standard a geological study must be submitted and approved by the city. The applicant is also required to meet the standards of the R-1 district.

IV. CONCLUSION

The City Council finds that the proposed annexation and zone change constitutes the logical and efficient growth of the City.