

ORDINANCE NO. 580

AN ORDINANCE AMENDING THE WILLAMINA ZONING MAP AND ZONING CERTAIN REAL PREMISES WITHIN THE CITY OF WILLAMINA

WHEREAS on May 30, 1996, the City Council of the City of Willamina conducted a public hearing to consider action to change the zone of certain real premises located within the City of Willamina,, which premises are described on Exhibit "A" attached hereto and by this reference made a part of this ordinance; and

WHEREAS, on May 6, 1996, the Planning Commission conducted a public hearing, at which time the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, notice of the said public hearings were duly given to the public and the affected property owners pursuant to the Zoning Ordinance of the City of Willamina.

WHEREAS, on May 30, 1996, the City Council met to consider the proposed action, received and approved the recommendations of the Planning Commission, and considered the information provided by City staff.

THE CITY OF WILLAMINA, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Willamina does hereby adopt those certain findings of fact, recommendations, and conclusionary findings attached hereto as Exhibit "A " and by this reference made a part hereof.

Section 2. The City Council of the City of Willamina does hereby amend the zoning designation of certain real premises described in Exhibit "B" as real premise dedicated to Single-Family Residential (R-1).

PASSED and adopted by the City Council of the City of Willamina on this 30th day of _____ May _____, 1996, by the following votes:

AYES: Councilors Alger, Branson, Eddy, Greb, Jenne

ABSENT: Councilor Goff

NAYS: None

Approved by the Mayor on this 30th day of _____ May _____, 1996.

Joata D. Hill
Mayor

ATTEST:

L. Chamberlain Brown
City Recorder

Exhibit "A"
Ordinance No. 580
ANX 96-1/S-96-2

I. FINDINGS OF FACT - GENERAL

- A. The applicant is Doug Bales.
- B. The subject property is located at 1035 SW Pioneer Street, also referred to as Tax Map 6-7-01CC, Tax Lot 201.
- C. The subject property, in its entirety, is 4.4 acres in size. Approximately 1.73 acres of the subject property is outside the City limits but within the Urban Growth Boundary. The remaining 2.69 acres is located in the City limits.
- D. The subject property contains frontage on SW Pioneer Street. Public water and sewer are available. The property currently contains a single family dwelling.
- E. This property is designated Two-Family Residential on the Willamina Zoning Map and Suburban-Residential on the Polk County Zoning Map. The property is designated Moderate Density Residential and Low Density Residential on the Willamina Comprehensive Plan map.

II. FINDINGS OF FACT - ANNEXATION

- A. Section 1.020 of Article 8 states the following:

Annexation to the City of Willamina shall be considered in accordance with the following criteria:

- 1. The site is contiguous to the city limits or is separated from it by a stream only, and the annexation creates a simple, contiguous city boundary. A road or strip of land shall not be annexed for the sole purpose of providing contiguity to land otherwise not contiguous to the city.

FINDING: The subject property is surrounded on three sides by the city limits.

- 2. The site is within the Urban Growth Boundary.

FINDING: The subject property is entirely located within the Willamina Urban Growth Boundary.

3. The site is feasible for the orderly and economic provision of public facilities and services.

FINDING: The proposed annexation is located to permit the orderly and economic extension of public facilities and services. With the construction of a new water reservoir just south of the city limits, it will be necessary to install water mains within the proposed right-of-way to allow connection to existing mains. Sewer mains are also proposed to be installed by the City within this right-of-way

4. The proposed use of the site is necessary to ensure availability of land for choices in the market places.

FINDING: The site is designated by the Willamina Comprehensive Plan as Low Density Residential. The applicant is proposing to annex the site with an R-1 zone, consistent with the Comprehensive Plan designation, and develop a single-family residential subdivision.

5. The site does not inhibit encouragement of development within existing urban areas.

FINDING: The addition of 1.73 acres of residential land within the city limits will not have an adverse impact on existing facilities, such as sewer or water systems that would discourage development of other vacant land within the City.

III. FINDINGS OF FACT - SUBDIVISION

- A. Section 3.020 of Article 6 states the following:

1. All major partitions and subdivisions shall be consistent with the provisions of this Ordinance and Comprehensive Plan.

FINDING: This requirement is met as addressed in the following findings.

2. Approval of a tentative plan or map is valid for one year from the date of approval of the application. During the one year period, the final plat or map shall be recorded. If a final plat or map is not recorded within this period, the approval shall lapse, unless a time extension is approved by the Planning Commission subject to the following provisions:

- a. A time extension may be granted by the Planning Commission for one year at a time. The total time extension period since the date of approval shall not exceed five years.

- b. A time extension must be requested in writing within 30 days of the date of the expiration of the preliminary approval.

c. Time extension requests shall be reviewed by the Planning Commission in accordance with the procedures set forth in Article 3, Section 3.020(B)(1). Such requests may only be approved if the applicant demonstrates:

i. The subdivision or major partition is consistent with existing requirements of this Ordinance and the Comprehensive Plan;

ii. There exists good cause for the failure to record the final map or final plat; and

iii. There is reasonable expectancy that the final map or final plat will be recorded within the one year extension period.

3. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment. Such a master plan shall present sufficient data to demonstrate that the remainder of the property can be reasonably developed in the future, in accordance with the provisions of this Ordinance. A master plan shall not be construed as granting preliminary approval to future phases of a development.

FINDING: The proposed subdivision utilizes the entire site, leaving no portion capable of re-development, therefore a master plan is not required.

4. Subdivision and major partition proposals shall be designed to conform with the development requirements and standards of Section 4 of this Article.

FINDING: Compliance with this standard is addressed in the following findings.

B. Single-Family Residential District - Article 4, Section 1.060

Lot Dimension Standards

Minimum Lot Area	7000 square feet
Minimum Lot Width	60 feet
Minimum Lot Depth	90 feet

FINDING: Each of the proposed lots in the R-1 zone exceed 7,000 square feet in size, 60 feet in width, and 90 feet in depth.

C. Two-Family Residential District - Article 4, Section 2.060

Lot Dimension Standards

Minimum Lot Area	6000 square feet
Minimum Lot Width	60 feet
Minimum Lot Depth	90 feet

FINDING: Each of the proposed lots in the R-2 zone exceed 7,000 square feet in size, 60 feet in width, and 90 feet in depth.

D. Subdivision Development Requirements - Article 6, Section 4

1. Streets - Section 4.010

a. General Design Requirements: The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision or major partition shall either:

- i. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- ii. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical or undesirable.

FINDINGS: A street network or neighborhood plan does not exist for this area. The proposed subdivision provides for the continuation of Pioneer Street to the west, and it includes a 50' wide street right-of-way for the future connection of Pioneer and Hill Street.

Right-of-way dedication, design engineering and installation of half street improvements to Pioneer Street will be required prior to final plat approval of Phase I as a condition of approval. Right-of-way dedication, design engineering and installation of full street improvements from the improved edge of Pioneer Street to the southern boundary of Lot #9 (approximately 332') will be required prior to final plat approval of Phase II. Right-of-way dedication, design engineering and installation of full street improvements from the southern boundary of Lot #9 to the southern boundary of the subdivision (approximately 267') will be required prior to final plat approval of Phase III.

b. Minimum Right-of-Way and Pavement Widths: The width of rights-of-way and pavement for proposed streets shall conform to the following minimum standards:

<u>TYPE OF STREET</u>	<u>MINIMUM R-O-W WIDTH</u>	<u>MINIMUM PAVEMENT</u>
Major Arterial	100	Varies (2)
Secondary Arterial	80	Varies (3)
Collector Streets	60	36 (3)
Continuous Local Streets	50	36 (3)
Discontinuous local streets not extending, or expected to extend over 1800' in length	50	32 (2)
Radius for cul-de-sac turn-around	50	40
Alley	20	20

i. Exclusive of side slope easements which may be required in addition for cuts or fills in steep terrain.

ii. Exact width standards will be defined in improvement specifications adopted by the City.

iii. The minimum roadway width may be modified by the action of the Planning Commission, taking into consideration the unique characteristics of the land, to include geography, topography, and its relation to land developments already present in the area.

FINDINGS: The right-of-way width for the proposed interior street meets the minimum 50' right-of-way width standard for local streets. Street improvements are proposed to occur in increments with each phase of the subdivision. An additional 9' of right-of-way for the full width of the parent parcel along Pioneer Street should be dedicated for future street and utility purposes. Half street improvements to Pioneer Street, for the full width of the parent parcel, shall be required as a condition of approval.

c. Reserve Strips: Reserve strips, or street plugs, controlling access to streets will not be approved unless accessory for the protection of the public welfare or of substantial property rights, and, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

FINDINGS: A 1' x 50' reserve strip located at the south end of the proposed street right-of-way shall be required to protect the city's interest in the future extension of the street south to Hill Street.

d. Alignment: So far as practical, streets, other than minor streets, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and other wise shall not be less than 125 feet.

FINDINGS: All of the existing and proposed streets adjacent to or within this subdivision are considered to be local streets therefore, this standard does not apply.

e. Future Extension of Streets: Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a permanent turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

FINDINGS: The applicant has proposed creating a north-south street which could be extended to the south to connect Pioneer to Hill Street in the future. A 1' x 50' reserve strip at the southern terminus of the proposed street shall be required.

f. Intersection Angles: Street shall be laid out to intersect at angles as near to right angles as practical. Where topography requires, a lesser angle may be approved, but, in no case, shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

FINDINGS: The applicant has proposed adjusting the lot line with the subject property (T.L. 201) and the property to the west (T.L. 200) by 6,600 square feet so that the property to provide for the future extension of Pioneer Street to the west. This standard is met.

g. Existing Streets: Whenever existing streets adjacent to, or within, a tract are of inadequate width, additional right-of-way and paving shall be provided, to meet the standards of this Article, at the time of subdivision.

FINDINGS: The subject property has approximately 200' of frontage onto Pioneer Street. The western portion of has a Pioneer Street (that lies within the City limits) currently contains a right-of-way width of approximately 32' and contains a paved roadway. Curbs, gutters and sidewalks have not been constructed on Pioneer Street. Pioneer Street is a designated Continuous Local Street where a minimum 50' wide right-of-way width is

reservation along the rear or side property line, or another treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

FINDINGS: Frontage roads are not required.

m. Alleys: Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

FINDINGS: This standard does not apply.

2. Blocks - Section 4.020

a. General: The length, width, and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.

b. Size: No block shall be more than 1,000 feet in length between corner lot lines unless it is adjacent to an arterial, or unless the topography or the adjoining streets justifies an exceptions. The recommended minimum length of blocks along an arterial street is 1,800 feet.

FINDINGS: The distance between the proposed intersection with Pioneer Streetblock standard is met.

3. Easements - Section 4.030

a. Utility Lines: Easements for sewers, water mains, electric lines or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 feet wide and shall be centered on lot lines, whenever possible. Utility pole tieback easements may be reduced to 6 feet in width.

FINDINGS: No utility easements are proposed. The applicant intends to place utilities within the dedicated right-of-way eliminating the need for additional utility easements.

b. Water Courses: If a subdivision is traversed by water courses such as a drainageway, channel, or stream, there shall be provided a storm sewer easement or drainage easement conforming, substantially, with the lines of the water course, and adequate for the purpose, unless the water course is diverted, channeled or piped in accordance with plans approved by the City Engineer. Parkways parallel to major water courses may be required.

FINDINGS: No water courses have been identified.

- c. Pedestrian Ways: When desirable for public convenience or safety, pedestrian way, not less than 10 feet in width, may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

FINDINGS: No pedestrian ways except those being proposed in addition to the sidewalks proposed to be constructed along the southern edge of Pioneer Street and along both sides of the interior street.

- d. Easements of Way: An easement of way providing access to property, and which is created to allow the partitioning of land, may be approved by the Planning Commission subject to the following conditions:

i. The proposed easement is the only reasonable method by which the rear portion of an unusually deep parcel, or an unusually configured parcel, which is large enough to be divided into two or three lots, may be provided access.

ii. An easement of way shall have a minimum width of 25 feet and shall be improved with an asphalt or concrete surface a minimum of 12 feet in width, if used to access one lot, or a minimum of 20 feet in width if used to access two lots.

iii. An easement of way shall not provide access to more than 2 parcels.

iv. The Planning Commission shall require the applicant to provide for the maintenance of said accessway; and to file an easement for said accessway which includes the right to passage and for the installation of utility lines. Such requirements shall be submitted to, and approved by, the City Attorney.

FINDINGS: No easements of way are proposed as each of the proposed lots will abut directly upon a public street right-of-way.

4. Lots - Section 4.040

- a. Size and Shape: Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable. Lot dimensions shall conform to the zoning requirements of the area. The depth of lots shall not ordinarily exceed two and one half times the average lot width.

FINDINGS: The lots meet the minimum lot size, width, shape and orientation standards of the R-1 and R-2 zone and land division ordinance. There are no known building constraints which would prohibit development of any of the proposed lots.

- b. Access: Each lot shall abut upon a street other than an alley for a width of at least 25 feet, except those lots approved and created by authority of the Planning Commission subject to subsection 4.030(D) of this Article.

FINDINGS: With the exception of Lot #13, each lot will abut a public street for a width of at least 25 feet. The applicant has not requested a variance to this requirement for Lot No. 13. It would be possible for the applicant to adjust the lot lines on adjacent parcels to meet the 25' width requirement for the proposed flag lot, or the Planning Commission could require that proposed lot nos. 13 and 14 be consolidated.

- c. Through Lots: Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or adjacent nonresidential development, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide, and across which there shall be no right-of-access, maybe e required along the line of lots abutting such a traffic arterial or other incompatible use.

FINDINGS: None are proposed.

- d. Lot Side Line: The side lot lines of lots, so far as practical, shall run at right angles to the street upon which the lots face.

FINDINGS: This standard is met.

5. Lot Grading - Section 4.050

Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.

- b. Fill slopes shall not exceed two feet horizontally to one foot vertically.

- c. The character of soil for fill and the character of lots made usable by fill shall be suitable for the purposes intended.

- d. 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: This shall be a requirement.

6. Building Lines - Section 4.060

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or include in the deed restrictions.

FINDINGS: No special building setback lines are proposed.

7. Large Lot Subdivision - Section 4.070

In subdividing tracts into large lots which at some future time are tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions, as will provide for the future re-subdivision of the property.

FINDINGS: There are no lots proposed that will be large enough to be redivided.

8. Left Over Land - Section 4.080

Islands, strips, or parcels of property unsuited for subdividing and not accepted by the City for appropriate use, shall not be left unsubdivided, but shall be identified as required in this Article.

FINDINGS There is no left over land within the proposed subdivision.

9. Open Space - Section 4.090

Subdivisions and partitions of land which include lands identified on the Significant Resources Map of the Comprehensive Plan as Open Space resources shall provide for the preservation of the identified resource areas through one of the following methods:

a. Public Dedication: Open space resources which are determined by the Planning Commission to be suitably located to serve as public park lands may be dedicated to the City for such use.

b. Common Area Dedication: Open space resources may be included in a tract of land to be owned in common by the owners of lots within the development. A non-profit homeowners association shall be created, in a manner acceptable to the City Attorney, for the ownership and maintenance of such tracts. The tract shall be preserved in perpetuity as open space through the use of conservation easements, deed restrictions, or by appropriate notation on the face of a subdivision plat.

c. Conservation Easements: If identified open space resources are to be included in lot areas, conservation easements shall be required to prohibit development within the open space area and to protect existing scenic vegetation and/or natural features.

FINDINGS: The site does not contain any open space areas identified in the Willamina Comprehensive Plan.

10. Parks and Recreation Facilities for Residential Subdivisions - Section 4.100

d. Areas Required: Except as modified in Section 4.100(B) below, an area of land, the size of which shall be determined by the Planning Commission, but not to exceed one acre for each 100 persons, or an area equal to a fractional proportion of 100 persons to one acre, shall be set aside and dedicated by the subdivider to the public for parks and recreation purposes. The potential population shall be computed at a rate of 3.25 persons for each potential multiple-family unit. Such area or parcel in either case shall be approved by the Planning Commission as being suitable and adaptable for park and recreation use and in compliance with the Comprehensive Plan.

e. Payment In Lieu of Land: If the Planning Commission determines that there is no need for open space or park property, or that there is not suitable park or recreation area or site in the proposed subdivision, then the subdivider shall in lieu of setting aside land, pay into a park trust a sum of money equal to the market value of the land that would have been required in Section 4.100(A), above.

i. Market value shall be established by 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 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 subsequent to 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.

ii. 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 Chairman.

FINDINGS: No park areas are proposed; therefore, the applicant must pay into park trust a sum of money equal to the market value of the land that would have been required in Section 4.100(A).

D. Relevant Comprehensive Plan Goal Policies

1. Housing Goal 4 and Related Policies

To ensure that all future housing developments take into consideration soil stability, topography and natural hazards in the design and density of the developments.

Policies

- a. Housing densities should be consistent with the suitability of the land to support development and should avoid natural hazards such as unstable soils, steep topography, flood/slide hazard areas and soils with poor drainage.
- b. The City should encourage through the Plan, zoning and subdivision regulations the retention of any existing natural vegetation and should establish requirements for planting in all residential developments.
- c. The City should require that all utilities be placed underground to improve the visual amenities of new development.

FINDINGS: The Goal and Policies will be met through compliance with the zoning and subdivision standards.

2. Housing - Goal 5 and Related Policies

To ensure that all new housing developments be provided with services (sewer, water, ambulance, police and fire) and that future developments will not overburden the City's ability to provide such services. Further, to ensure that the cost of extending such services will be borne by the developer.

Policies

- a. Residential development should be located, within the foreseeable future, in areas served by public facilities and services.
- b. Residential development should be directed into areas currently platted and close to the city center before utilizing large blocks of vacant land presently devoted to agriculture.

FINDINGS: Public facilities are available to the site. The subdivision is designated by the Comprehensive Plan map for future residential development partially located within the City and zoned for residential development.

Exhibit "B"

Ordinance No. 580

DESCRIPTION OF LAND TO BE ANNEXED TO THE CITY OF WILLAMINA

BEGINNING AT THE SOUTHEAST CORNER OF THE OLD CAMP GROUND IN SECTION 1, TOWNSHIP 6 SOUTH, RANGE 7 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 10.89 CHAINS; THENCE WEST 1.96 CHAINS; THENCE NORTH 10.89 CHAINS; THENCE EAST 1.96 CHAINS TO THE PLACE OF BEGINNING. THIS TRACT BEING A PART OF THE WILLIAM BRANSON DONATION LAND CLAIM NO. 43 IN POLK COUNTY, STATE OF OREGON.

SUBJECT PROPERTY IS LOCATED AT 1035 SW PIONEER DRIVE, ALSO REFERRED TO AS TAX MAP 6-7-1CC, TAX LOT 201.