

ORDINANCE NO. 581

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" and "C" as real premise dedicated to Two-Family Residential (R-2).

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.

Irvin O. Welp
Mayor

ATTEST:

L. Charles Brown
City Recorder

Ordinance #581

Exhibit "A"

ZC 96-1/CPA 96-1

I. FINDINGS OF FACT - GENERAL

The Willamina Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact:

- A. The applicant is the Willamina School District.
- B. The subject property is located on the southwest corner of the intersection of 5th Street and Churchman Street. The County Assessor's Office identifies the subject area as being located within Township 6 South; Range 7 West; Section 01BD; Tax Lot 2400.
- C. The parcels contains approximately 8 acres.
- D. The subject property fronts two public streets and public sewer and water are available. The property is currently used for storage purposes by the School District.
- E. This property is designated Public Assembly/Institution in the Willamina Comprehensive Plan and zoned Public Assembly/Institution (PA/I).
- F. All adjacent property is located in the Two-Family Residential (R-2) District. The dominant adjacent land use is single family homes on subdivision-sized lots.
- G. The applicant is requesting approval of a Comprehensive Plan Map Amendment to change the Plan designation to Moderate Density Residential, and a Zone Change to establish the Two-Family Residential (R-2) District.
- H. The decision criteria are found in the following sections of the Willamina Zoning and Development Ordinance: Comprehensive Plan Map Amendment - Article 3., Section 9.110; Zone Change - Article 3., Section 9.020.

II FINDINGS - COMPREHENSIVE PLAN MAP AMENDMENT

- A. The proposal would change the existing Map designation from the Public Assembly/Institutional to Moderate Density Residential. Article 3, Section 9.110 establishes the process and criteria for reviewing Comprehensive Plan Map Amendments. Sections 9.110 (A) to (C) establishes initiation requirements, the review process and submittal requirements.

FINDINGS: The Plan Map Amendment was initiated by the property owner, consistent with requirements in Article 3, Section 3.020 (A). This action requires a hearing before both the Planning Commission and City Council. All procedures must comply with the

requirements for a Type "B" public hearing. The applicant submitted the required application form and supporting material.

B. Section 9.110 (D) establishes the specific decision criteria. The criteria, and the Commission's findings, are reviewed separately, below.

1. The proposed amendment is consistent with applicable goals and policies of the Comprehensive plan.

FINDINGS: There are several goals and policies applicable to this request which are reviewed separately, below.

a. **Education:** The City is to cooperate with the School District in identifying available school sites and coordinate future expansion to meet the education needs of the community.

FINDINGS: This property was originally identified as being suitable for a school site. The parcel size and the availability of suitable alternatives render this property obsolete. Loss of the property as a school site will not reduce the School District's ability to provide educational services.

b. **Public Facilities and Services:** In general, adequate public facilities must be available for development.

FINDINGS: Public sewer and water, as well as private utilities, are available to the site. There is sufficient capacity to provide for eventual residential development.

c. **Housing:** General policy language seeks to provide sufficient housing opportunities to meet the needs of the residents. Site hazards, adequate street networks and provisions for public facilities should be considered a part of any residential development. In-fill development is encouraged before additional land is annexed.

FINDINGS: Public facilities are available at the property and the parcel fronts public streets on two sides. A collector street, connecting with Highway 18B, is only two blocks from the subject property. The only development restriction is an identified severe soil limitation on the southwest corner of the property. This limitation involves an insignificant amount of land and does not prohibit reasonable residential development of the property. The Plan change will allow development of property within the existing urban growth boundary and city limits, thereby precluding the annexation of additional land.

2. The proposed amendment is not in conflict with Statewide Planning Goals, applicable Oregon Administrative Rules, or State statutes.

FINDINGS: Each Statewide land use goal is reviewed, below:

Goal 1, Citizen Involvement: Public hearings on the proposed Plan map change will be held before both the Commission and City Council. This is consistent with City procedures in the acknowledged Zoning and Development Ordinance.

Goal 2, Land Use Planning: The proposal does not require Goal exceptions.

Goals 3, Agricultural Lands: The proposal does not involve farm land.

Goals 4, Forest Lands: The proposal does not involve land zoned for forest uses.

Goal 5, Natural Resources, Historic Resources, Open Spaces: The subject property does not contain identified cultural, mineral, or natural resources, or, identified open spaces.

Goal 6, Air, Land, Water Quality: Any future development will be served by public facilities. These services will reduce adverse environmental impacts.

Goal 7, Natural Hazards: The subject property contains an identified area containing steep slope limitations. This area is insignificant and will not prohibit development of the site. No other hazards were identified on the property.

Goal 8, Recreation: The proposal does not involve identified recreational land or park land nor does it establish uses or activities which may impact area parks.

Goal 9, Economic Development: The City would expect positive economic benefits resulting from eventual development of the site.

Goal 10, Housing: The proposal would establish additional land available for residential development.

Goal 11, Public Facilities: Sufficient facility capacity is available and necessary public services are available to serve the property.

Goal 12, Transportation: The parcel fronts two public streets and a collector street, connecting with Highway 18B, is two blocks from the subject property.

Goal 13, Energy: The proposal does not involve activities or uses which would impact energy service capabilities. New houses must comply with energy efficiency standards contained within the building code.

Goal 14, Urbanization: The requested Plan amendment involves property located within the Urban Growth Boundary.

Goals 15 to 19, Willamette River Greenway, Beach, Marine Estuaries, Coastal, Ocean Goals: The proposal does not include land within the Willamette Greenway or coastal areas.

The Commission finds the proposed change in the Plan designation is found to either have positive impacts, or, does not directly affect issues addressed by the Goals. The Commission finds no other statutory or administrative requirements would apply to the request.

3. There is a public need for the proposed amendment.

FINDINGS: The applicant identified the need to provide additional land for residential development. The Plan change effectively provides additional land highly suitable for residential development without the need to expand the UGB or city limits.

4. The property included in a map amendment is physically suited for the uses permitted by the proposed comprehensive plan designation, considering the size, shape, topography and vegetation of the subject site.

FINDINGS: The property is relatively rectangular and level, making it suitable for residential development. The only physical restriction is an identified severe soil limitation in the southwest corner of the property. The subject area is insignificant and, by itself, does not prohibit reasonable residential development of the property.

5. The property included in the Map Amendment is presently serviced, or will be serviced concurrently with development, with adequate public facilities and services and transportation networks to support the uses permitted by the proposed comprehensive plan designation.

FINDINGS: Public facilities are available at the property and the parcel fronts a public street on two sides. A collector street, connecting with Highway 18B, is two blocks from the subject property. The Commission finds public facilities and a suitable transportation network is available to serve future development.

- C. The proposed Map Amendment would establish Moderate Density Residential (MDR) designation in an area currently surrounded by MDR designated property. The eventual development of the property for residential uses will be entirely consistent with the existing land use pattern. For these reasons, and based on the above findings, the Commission finds the proposal complies with the decision criteria for a Comprehensive Plan Map Amendment.

III. FINDINGS - ZONE CHANGE

- A. The proposed zone change will change the existing Public Assembly/Institutional (PA/I) zone to the Two-Family Residential (R-2) zone on the entire 8 acre subject property. Article 3., Section 9.020 establishes the process and criteria for reviewing Zone Changes. Sections 9.020 (A) to (C) establishes initiation requirements, the review process and submittal requirements.

FINDINGS: The Zone change was initiated by the property owner, consistent with requirements in Article 3., Section 3.020 (A). This action requires a hearing before both the Planning Commission and City Council. All procedures must comply with the requirements for a Type "B" public hearing. The applicant submitted the required application form and supporting material.

- B. Section 9.020 (D) establishes the specific decision criteria. The criteria, and the Commission's findings, are reviewed separately, below.

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.

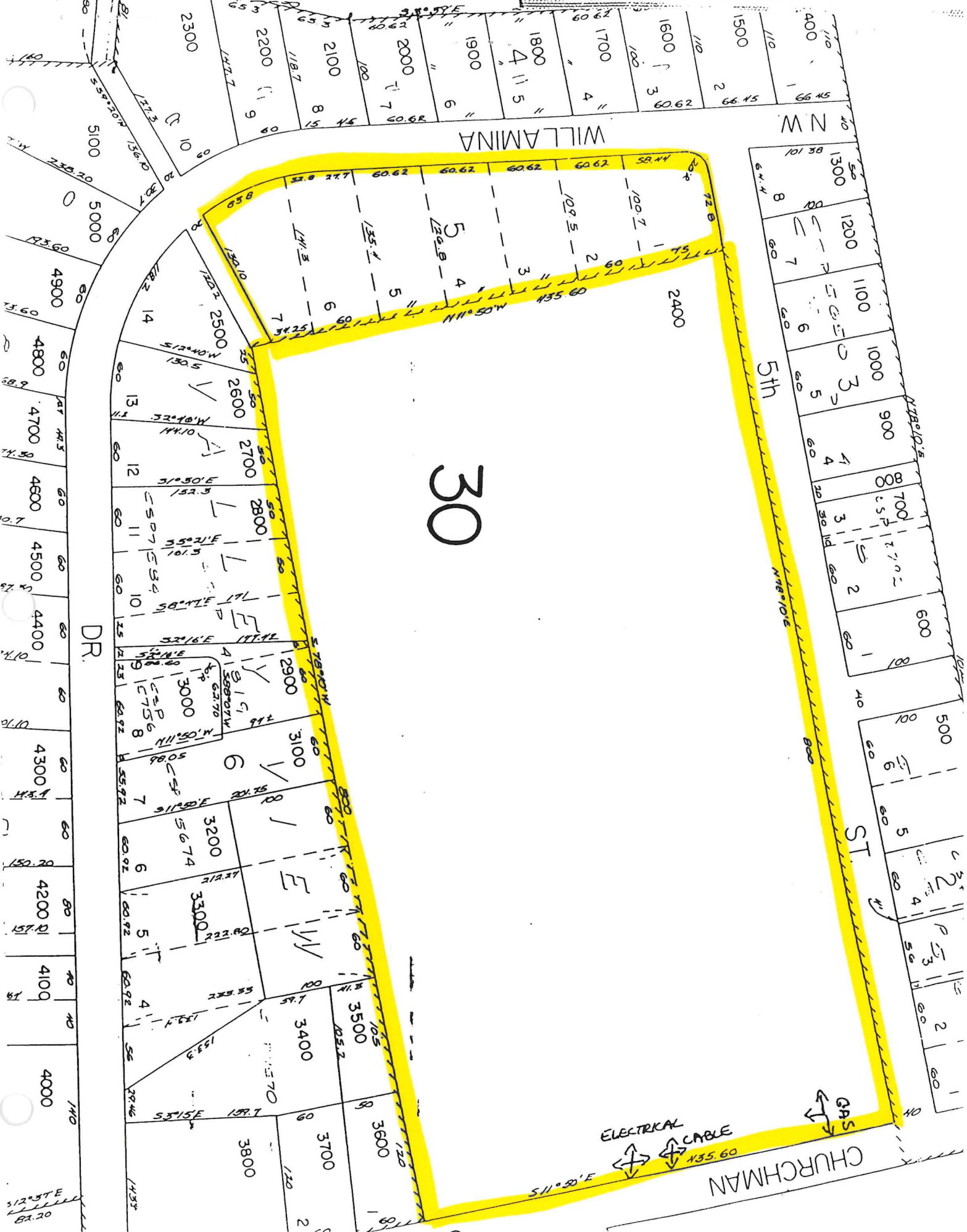
FINDINGS: Based on the Comprehensive Plan map and Zoning map, the proposed R-2 zone is consistent with the proposed Plan designation.

The previous Section reviewed applicable Comprehensive Plan goals and policies. Since the proposed zone and Plan designation are consistent with each other, the Planning Commission finds the goals, policies and findings which applied to the change in the Plan map also apply to the zone change.

2. The property and area is presently served with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

FINDINGS: Previous findings indicate the necessary public services and transportation networks are available to serve expected uses on the property.

- C. The Zone Change will provide land for additional residential development, consistent with the property's Plan designation. The Zone Change is also consistent with adjacent zoning, and when developed in a manner consistent with the R-2 zone, with the existing land use pattern of the area. Finally, adequate public facilities and services, including a transportation network, are available to serve the property and expected development.



DINK
6/3/96

Ord #581 zone map change
(Yamhill County)

~~City Planner send to DLCD~~ ~~DLCD~~
City Planner send to DLCD

we send to:

Yamhill County Assessor

Yamhill County Clerk

W/
try get
map w/
area high-
lighted

2 copies to Boundary descr. file

✓ copy to School Dist. file

mail
✓ copy of 581
to School Dist

324 SE Adams

NOTICE OF ADOPTION

Must Be Filed Within 5 Working Days
See OAR 660-18-040

*Sub 10
#581*

Jurisdiction City of Willamina Local File Number ZC/CPA 96-1

Date Mailed 5/31/96 Date of Adoption 5/30/96

Date Proposal was Provided to DLCD 5/31/96

Type of Adopted Action (Check all that apply)

Comprehensive Plan Amendment Land Use Regulation Amendment New Land Use Regulation

Please complete (A) for text amendments and (B) for map amendments

A. Summary of Adopted Action (A brief description is adequate. Please avoid highly technical terms and zone code abbreviations. Please do not write "see attached."):

Comprehensive Plan Map amendment from Public Assembly/Institutional to Moderate Density Residential, and a zone change from Public Assembly/Institutional to Two-Family Residential.

Describe How the Adopted Amendment Differs from the Proposal (If it is the same, write "Same." If it was not proposed, write "N/A."):

Same

B. If the Action Amends the Plan or Zone Map, Provide the Following Information for Each Area Which was Changed (Provide a separate sheet for each area. Multiple sheets can be submitted as a single adoption action. Please include street address whenever possible. Do not use tax lot number alone.):

Previous Plan Designation: PAI New Plan Designation: MDR
Previous Zone: PAI New Zone: R-2

Location: Southwest of the corner of Churchman Street and 5th Street, also referred to as Tax Map 6-7-1BD, Tax Lot 2400.

Acreage Involved: 8 acres

Does this Change Include a Goal Exception? Yes No

For Residential Changes Please Indicate the Change in Allowed Density in Units Per Net Acre

Previous Density: _____ New Density: _____

If Notice of Proposal was Not Sent to DLCD 45 Days Prior to the Final Hearing,
Please Indicate Why:

- Statewide Planning Goals are inapplicable
- Emergency Circumstances Required Expedited Review

List Statewide Goals Which May Apply:

Goals 7, 9, 10, 11, and 12

List any State or Federal Agencies, Local Government or Local Special Service
Districts Which may be Interested in or Impacted by the Adoption:

Direct Questions and Comments To: Aneta Synan, Assoc. Planner, MWVCOG
105 High St., SE, Salem, OR 97301

(Phone) (503) 588-6177

Send To: Department of Land Conservation and Development
1175 Court Street, N.E
Salem, Oregon 97310-0590

Attach One (1) Copy of the Adopted Action to this Form and/or three (3) Copies of
Bound Materials and Maps Larger than 8 1/2 by 11 Inches.

NOTE: If more copies of this form are needed, please contact the DLCD office at
373-0050, or this form may be duplicated on green paper. Failure to provide notice
of an adopted plan or land use regulation amendment results in an extension of the
appeal period. Appeals may be filed within 21 days of the date the proposal is
mailed to DLCD. Statutes require mailing within 5 days of the action becoming final
(See OAR 660-18-040).

*** FOR DLCD OFFICE USE ***

DLCD File Number _____

<pa>adoptform

EXHIBIT "C"
ORDINANCE #581

DESCRIPTION OF LAND

A parcel of land containing approximately 8 acres located on the Southwest corner of the intersection of NW 5th Street and NW Churchman Street in the City of Willamina, County of Yamhill, Oregon, Township 6 South; Range 7 West; Section 01BD, Tax Lot #2400