

ORDINANCE NO. 582

AN ORDINANCE OF THE CITY OF WILLAMINA, OREGON, AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP, AND DECLARING AN EMERGENCY

WHEREAS, on July 25, 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, the Planning Commission of the City of Willamina held a public hearing on July 1, 1996 and found that the proposed amendment to the Comprehensive Plan Map and the Zoning Map conforms to the criteria specified in Section 9.020 and Section 9.110 of Article 3 of the Zoning Ordinance; and,

WHEREAS, public notice of the public hearings and requested map amendments were provided to the public, affected property owners and the Department of Land Conservation and Development pursuant to the Zoning Ordinance of the City of Willamina.

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 identified as Tax Map 6S-7W-01AC, Tax Lot 13900 and described in Exhibit "A" from Medium Density Residential to Commercial.

Section 3. That City Council of the City of Willamina does hereby amend the Comprehensive Plan Map of certain real premises identified as Tax Map 6S-7W-01AC, Tax Lot 13900 and described in Exhibit "A" from R-3 (Multi-family Residential) to C-1 (General Commercial).

Section 4. The Council desires and deems it necessary for the preservation of the health, peace, and safety of the City of Willamina that this ordinance take effect at once, and therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed by the Council this 25th day of July, 1996.

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

NAYS: None

ABSENT: Councilor Branson

Submitted to and approved by the Mayor this 25th day of July, 1996.

Iwila D. White
Mayor

ATTEST:

L. Charles Brown
City Recorder

EXHIBIT A



Exhibit B
ZC 96-3/CPA 96-2/CU 96-1/SDR 96-3

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 City of Willamina.
- B. The subject property is located at 330 NW Main, also referred to as Tax Map 6-7-01AC, Tax Lot 13900.
- C. Tax Lot 13900 is approximately 21,344 square feet in size.
- D. The subject property fronts onto West Main Street. Public sewer and water are available. The property is currently vacant with the exception of a 10' x 14' storage unit that will be moved.
- E. This property is designated Medium Density Residential in the Willamina Comprehensive Plan and zoned R-3.
- F. Adjacent property to the north is zoned R-2 and contain single-family residential development. Adjacent property to the east is zoned C-1 and contains City Public Works Shop. Adjacent property to the west is zoned R-2 and contains single-family residential development. Property to the south, across Main Street, is zoned Public and M-1 (Industrial) and contains a municipal park and undeveloped industrial land.
- G. The applicant is requesting approval of a Comprehensive Plan Map Amendment to change the Plan designation from Medium Density Residential to Commercial.
- H. The decision criteria are found in the following sections of the Willamina Zoning and Development Ordinance: Article 3, Section 9 and Article 4, Section 4.

II. FINDINGS - COMPREHENSIVE PLAN MAP AMENDMENT

- A. The proposal would change the existing Map designation from the Medium Density Residential to Commercial. 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 owners, 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. **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 already in place to serve the subject site. There is sufficient capacity to provide for eventual commercial development.

- b. **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 a NW Main Street which is a designated Arterial Street. There are no identified development restrictions for the subject 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 does not contain any identified natural hazards.

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 reduce the city's supply of residentially designated land by almost a half acre. The change would not have an adverse impact on the supply of 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 onto West Main Street, a collector street, which connects with Highway 18B.

Goal 13, Energy: The proposal does not involve activities or uses which would impact energy service capabilities.

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 commercial development. The Plan change effectively provides additional land highly suitable for commercial 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 commercial development. The subject area is insignificant and, by itself, does not prohibit reasonable commercial 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 onto an improved Arterial Street. The Commission finds public facilities and a suitable transportation network is available to serve future development.

- C. The proposed Map Amendment would establish Commercial designation in an area currently adjacent to other Commercial designated property, as well as land that is designated Medium Density Residential, Public and Industrial. The eventual development of the property for commercial uses will be consistent with the existing land use pattern to the east. 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 Multi-Family Residential (R-3) zone to the General Commercial (C-1) zone on the 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 C-1 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 commercial development, consistent with the property's Plan designation. The Zone Change is also consistent with adjacent zoning to the east, and when developed in a manner consistent with the C-1 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.

IV. FINDINGS - CONDITIONAL USE PERMIT

A. The proposed conditional use permit to allow an automotive repair and storage facility in a C-1 zone on Tax Lots 13800 and 13900. Tax Lot 13800 has been used by the City in the past for the storage of public works equipment and vehicle maintenance. This use will simply be expanded to the adjacent tax lot to the west.

Article 3, Section 9.030 establishes the process and criteria for reviewing Conditional Use Permits. Sections 9.030 (A) to (B) establishes initiation requirements, the review process and submittal requirements.

FINDINGS: The Conditional Use Permit has been initiated by the contract purchaser.

B. Section 9.030(C) establishes the specific decision criteria. The criteria, and the Commission's findings, are reviewed separately, below.

1. The use is listed as a conditional use in the zone.

FINDINGS: Automotive Garage and Repair Shop is listed as a conditional use in the C-1 zone in Section 4.050(K) of Article 4 of the Willamina Development Code.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, and natural features.

FINDINGS: The property is relatively rectangular and level, making it suitable for commercial development. There are no identified development restrictions or significant natural features located on the subject property.

3. The development of the site is timely, considering the adequacy of transportation systems, public facilities and services existing or proposed for the area affected by the use.

FINDINGS: Public facilities are available at the property and the parcel fronts onto an improved Arterial street that contains sidewalks.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.

FINDINGS: The subject property is located in an area with a variety of zone classifications. To the north is property zoned R-2 containing single-family residential development. Property to the west is zoned R-3 and contains single-family residential development. Property east is zoned C-1 and contains the City public works shop. Property to the south is zoned Public and contains a municipal park. Another property to south, across Main Street, is zoned M-1 and is currently undeveloped.

5. The proposal is compatible with applicable goals and policies of the Comprehensive Plan.

FINDINGS: Previous findings for the Comprehensive Plan Map Amendment indicate that this standard is met.

V. FINDINGS - SITE DESIGN REVIEW