

ORDINANCE NO. 584

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

WHEREAS, Frank A. and Jennie M. Ellenwood is the sole owner of the tract of land herein described in Exhibit "A" and depicted in Exhibit "B", 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 September 26, 1996, the City Council unanimously passed Ordinance No. 583 at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, 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 tot 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, a public hearing was held on September 9, 1996, before the Planning Commission of the City of Willamina, at the Willamina City Hall and a public hearing was held on October 31, 1996, before the City Council of the City of Willamina, at the Willamina City Hall at which both times 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 "C" 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 premisses 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 the 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 31st day of October, 1996, by the following votes:

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

Absent: Councilor Branson

NAYS: None

Approved by the Mayor on this 31st day of October, 1996.

Twila O. Lee
Mayor

ATTEST:

L. Charles Brown
City Recorder

WARRANTY DEED (INDIVIDUAL)

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MICHAEL D. WAGLER AND CHRISTINE L. WAGLER

hereinafter called grantor, conveyed to

FRANK A. ELLENWOOD AND JENNIE M. ELLENWOOD, husband and wife

all that real property situated in the County of Polk, State of Oregon, described as:

Beginning at the southwest corner of Tract 26 of Hillcrest Addition to the City of Williams, Polk County, Oregon; thence South 185 feet; thence West 596 feet; thence North 180 feet to the southwest corner of Tract 21 of Hillcrest Addition to the City of Williams, Polk County, Oregon; thence East along the South line of Hillcrest Addition to the southwest corner of Tract 26 to the point of beginning.

ALSO: Tract No. 25 of Hillcrest Addition to the City of Williams, Polk County, Oregon, according to the duly recorded map and plat thereof.

and covenant(d) that grantor is the owner of the above described property free of all encumbrances except TAXES BY RECORD

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

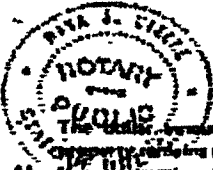
The true and actual consideration for this transfer is \$ 54,000.00

Dated this 2nd day of August, 1988

Michael D. Wagler
Michael D. Wagler
Christine L. Wagler
Christine L. Wagler

STATE OF OREGON, County of Yamhill

Dated this 2nd day of August, 1988 personally appeared the above named Michael D. Wagler and Christine L. Wagler and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me:
[Signature]
Notary Public for Oregon
My commission expires: 6-2-89

The grantor(s) should include cash plus all encumbrances existing against the property to which the property is the subject or which the purchaser agrees to pay or assume.
If consideration includes other property or value, add the following: "However, the actual consideration consists of or includes other property or value given or promised which is part of the/whole consideration." (Indicate which)

WARRANTY DEED (INDIVIDUAL)

Wagler

TO

Ellenwood

Send tax statements to:

Frank A. Ellenwood
Jennie M. Ellenwood
835 SW Hill Dr.
Williams, Or. 97386

323214

STATE OF OREGON

County of Polk

I hereby certify that the within was received and duly recorded by me in Polk County records:

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FILED
POLK COUNTY OREGON

88 AUG -4 PM 2:56

LINDA DAWSON
COUNTY CLERK
BY [Signature] CLERK

By _____ Deed

41 12BA67

Tract 25, Hillcrest Addition, Polk County, Oregon

0116

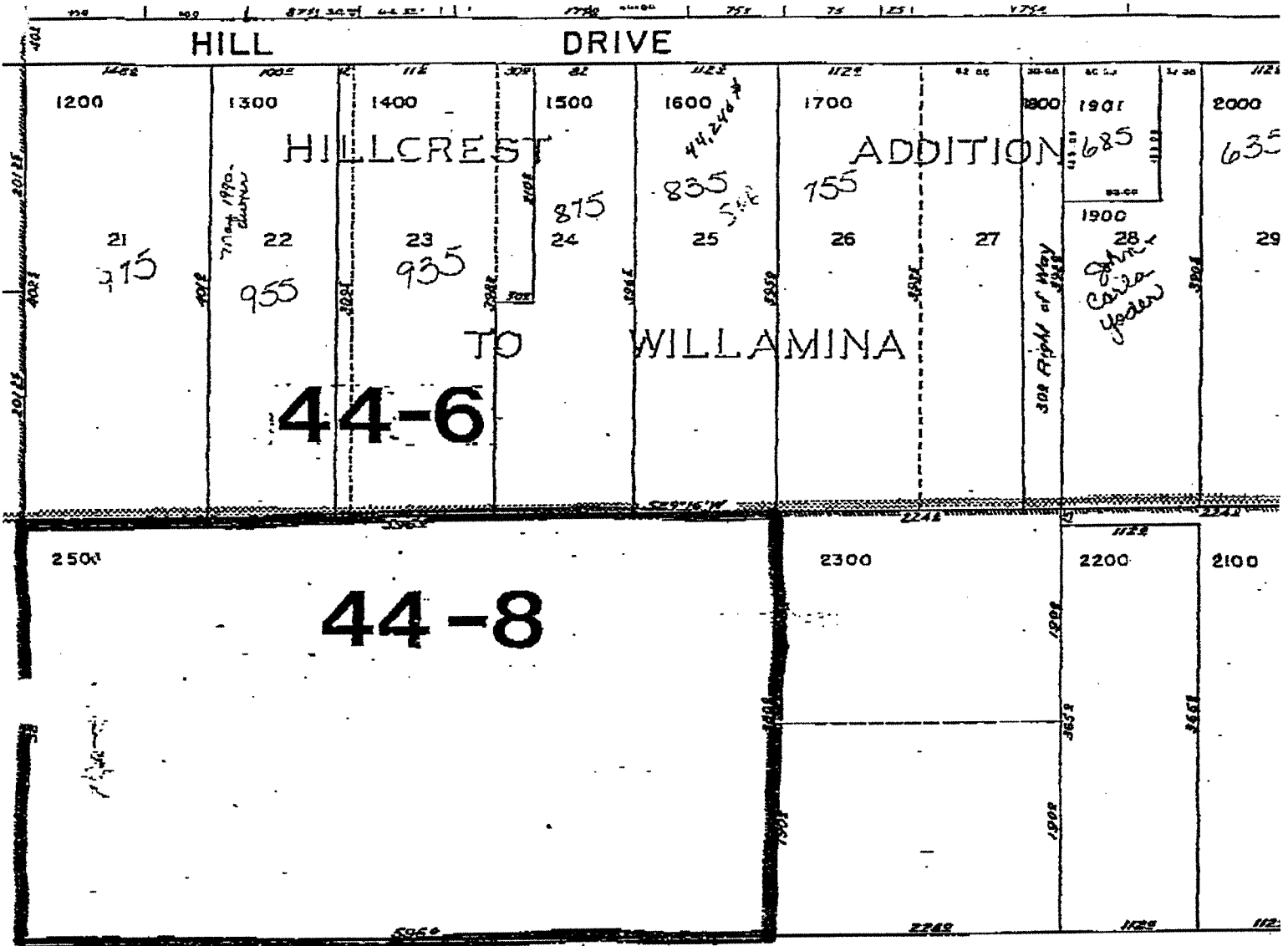
ORDINANCE #584 EXHIBIT "A" (continued)

Legal description of Tax Map 6-7-12BA, Tax Lot 2500
Polk County, Oregon, also known as 835 SW Hill Drive,
City of Willamina

Beginning at the Southwest corner of Tract 26 of Hillcrest
Addition to the City of Willamina, Polk County, Oregon;
thence South 380 feet; thence west 596 feet; thence North 380
feet to the Southwest corner of Tract 21 of Hillcrest
Addition to the City of Willamina, Polk County, Oregon;
thence East along the South line of Hillcrest Addition to the
Southwest corner of Tract 26 to the point of beginning.

Ordinance #584

Exhibit B



44-6

44-8

SEE MAP 6 7 12

N.W. Corner of
WILLIAM SAVAGE
OLE no. 29

Wm. Savage Ch.

Exhibit "C"

ANX 96-2/ZC 96-3

August 28, 1996

I. FINDINGS OF FACT - GENERAL

- A. The applicant is Frank Ellenwood.
- B. The subject property is located south of 835 SW Hill Drive, also referred to as Tax Map 6-7-12BA, Tax Lot 2500.
- C. The subject property is 5.2 acres in size and is located entirely within the Urban Growth Boundary.
- D. Public water and sewer are available to service the majority of the parcel. The City Engineer has indicated that the southwest corner of the subject site will require separate service from pressure zone being established with the proposed water reservoir construction.
- E. The property is currently undeveloped and contains a considerable amount of vegetation.
- F. This property is designated Suburban-Residential on the Polk County Zoning Map. The property is designated Moderate Density Residential on the Willamina Comprehensive Plan map.
- G. The Comprehensive Plan Significant Resource Map and Building Limitations Map indicate that a large portion of the subject property is subject to severe soil limitations, and that a small portion of the property contains slopes in excess of 20%.

II. FINDINGS OF FACT - ANNEXATION

- A. Section 1.020 of Article 8 states that annexations 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 north side of the subject property is adjacent to 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 nearest water service, sewer service, and street access to the subject property is SW Hill Drive. SW Hill Drive is located approximately 395' north of the subject property. The applicant has indicated that they will adjust the property line between the subject property and TL 1600 to provide access and a minimum of 45' of property frontage onto SW Hill Drive. The proposed 45' access that is proposed onto SW Hill Drive is 5' narrower than the minimum street right-of-way width requirements of the Willamina Development Code [Article 6, Section 4.010(B)].

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 Moderate Density Residential. The applicant is proposing to annex the site with an R-2 zone, consistent with the Comprehensive Plan designation. The Restricted Development (R-D) Overlay zone must also be applied to the areas indicated by the Comprehensive Plan Building Limitations Map as containing severe soil limitations and steep slopes. Proposed uses and development of the property will be consistent with the provisions of the R-2 zone and the R-D Overlay zone.

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

FINDING: The addition of 5.2 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 - ZONE CHANGE

- A. The proposed zone change will change the existing Suburban Residential zone to R-2/R-D (Two Family Residential/Restricted Development Overlay Zone). Article 3, Section 9.020 established the process and criteria for reviewing zone changes. Sections 9.020(A) to (C) establishes initiation requirements, the review process and submittal requirements.

FINDING: The zone change was initiated by the property owner consistent with the requirements of 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: The proposed zone change will provide land for additional residential development, consistent with the property's Plan designation. The proposed R-2/R-D zone designation is consistent with surrounding zoning.

The following goals and policies of the Comprehensive Plan are applicable to this request and are reviewed separately below:

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

FINDING: Please refer to Finding of Fact (III)(B)(2).

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. Infill development is encouraged before additional land is annexed.

FINDING: The availability of public facilities to serve property proposed for urban residential development is address under Finding of Fact (III)(B)(2). The presence of site hazards is addressed under Finding of Fact (III)(B)(1)(c).

c. Natural Hazards: General policy language to protect life and property from natural hazards and disasters through the application of special design standards and review process through the R-D Overlay Zone.

FINDING: A significant portion of the property (refer to Exhibit 7) is identified as containing severe soil limitations and steep slopes on the Comprehensive Plan Building Limitations Map. The City is proposing to apply the Restricted-Development (R-D) Overlay zone to these areas to assure that these limitations are addressed when development of the site is proposed. These limitations do not "prohibit" development, but requires closer scrutiny by the City for development according to standards in Section 9 of Article 4 of the Development Code.

2. The 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: The applicant is proposing to adjust the lot line between the subject

property (TL 2500) and the adjacent property to the north (TL1600) so that the subject property will have approximately 45' of frontage onto SW Hill Drive thereby making the following public services available to the site:

Water. SW Hill Drive which contains a 6" water main located in Hill Drive and a 4" pump main proposed for Hill Drive. A new 400,000 gallon water reservoir is proposed to be built just east of the subject property which will improve capacity and flow in the southwest sector of the city.

The City Engineer commented on August 30, 1996, that the southwest corner of TL 2500 will require separate service from pressure zone being established with proposed water reservoir construction which is not expected until 1997 or later.

Sewer: SW Hill Drive contains an 8" gravity sewer main adequate to serve the site.

Storm Drainage. The City Engineer commented on August 30, 1996 that storm run off will require retention and or installation of a drainage pipeline along SW Hill Drive. These improvements should be required at the time the subject property is proposed for a subdivision or other development.

Access. According to the plot plan submitted by the applicant, the proposed access strip is approximately 45' x 395' (17,775 square feet or .41 acres). The proposed access strip is not wide enough to meet city standards for future street development. A minimum 50' wide right-of-way will be required by Article 6 of the Development Code for future development of a street to serve the subject property. The requests should not be approved unless the property is provided with access that is at least 50' wide onto SW Hill Drive.