

ORDINANCE NO. 585

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

WHEREAS on October 31, 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 September 9, 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 October 31, 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 "C" 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 "A" as real premise dedicated to Two-Family Residential (R-2).

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 Bransons

NAYS: None

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

Inula O. O. O.  
Mayor

ATTEST:

L. Chappone Brown  
City Recorder

Ordinance #585 Exhibit "A"  
WARRANTY DEED (INDIVIDUAL)

215 644

MICHAEL D. WAGLER AND CHRISTINE L. WAGLER  
having first 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 Willamina, Polk County, Oregon; thence South 385 feet; thence West 576 feet; thence North 180 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.

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

and covenant that grantor is the owner of the above described property free of all encumbrances except THOSE BY RECORD

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

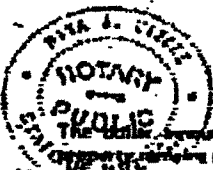
The true and actual consideration for this transfer is \$ 54,000.00

Dated this 2nd day of August 19 88

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

STATE OF OREGON, County of Tenth in

Dated this 2nd day of August 19 88 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: 8-2-88

The grantor 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.  
Willamina, 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.  
S.D.R. 215 Page 644

FILED  
POLK COUNTY OREGON  
88 AUG - 4 PM 2:56  
LINDA DAVIS  
COUNTY CLERK

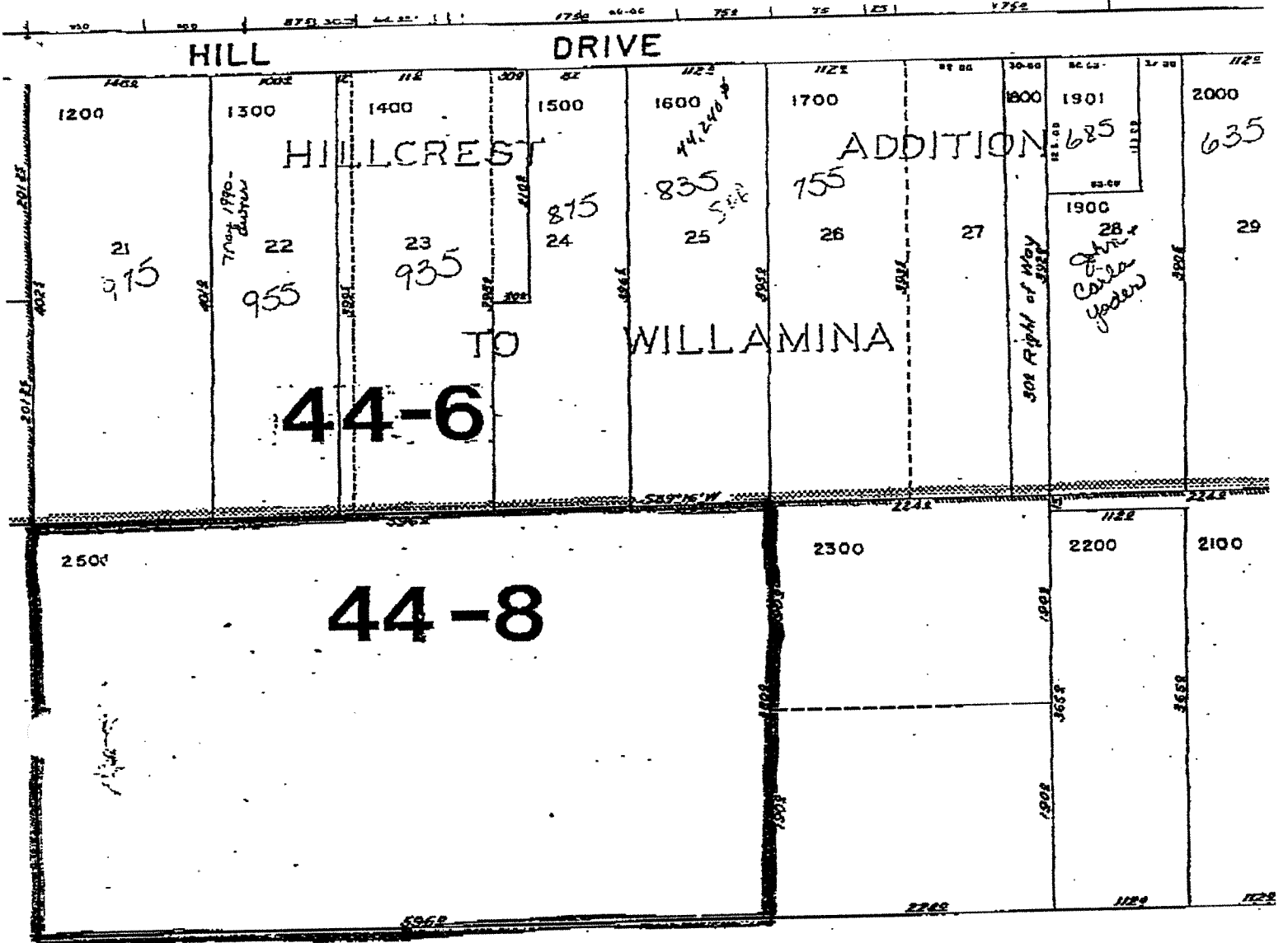
41 12BAG7  
Tract 25, Hillcrest Addition, Willamina, Oregon

ORDINANCE #585 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 No. 585  
Exhibit B



SEE MAP 6 7 12

Ordinance #585

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