

ORDINANCE 667

AN ORDINANCE ANNEXING TO THE CITY OF WILLAMINA THE TERRITORY DESCRIBED IN EXHIBIT "A" AND AMENDING THE WILLAMINA ZONING MAP TO APPLY THE R-2 ZONE AND AMENDING THE COMPREHENSIVE PLAN MAP TO APPLY THE MDR DESIGNATION TO THE ANNEXED PROPERTY.

WHEREAS, the applicant, Steven M. Draper, is the sole owner of the tract of land described in Exhibit "A" and has petitioned and desires that said property be annexed to the City of Willamina, Oregon; and

WHEREAS, the tract of land in Exhibit "A" is approximately 17.12 acres (745,747 square feet); and

WHEREAS, the above described area and property is contiguous to the City of Willamina, Oregon; and

WHEREAS, the above described area and property is within the urban growth boundary of the City of Willamina, Oregon; and

WHEREAS, pursuant to the Development Code of the City of Willamina, the Recorder of the City of Willamina, Oregon, caused notice of said hearing to be published at least twenty days prior to the date of said hearing in the McMinnville News-Register, a newspaper of general circulation published in the City of McMinnville, Oregon, and caused notice of said public hearing to be mailed to the owners of property within 100 feet of the subject property at least twenty days prior to said public hearing, all of which appears from the certificates 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, on May 2, 2017, the Willamina Planning Commission held a public hearing at which time the registered voters and other interested persons were invited to appear and be heard on the question of annexation of said area and property herein above first described; and

WHEREAS, on May 2, 2017, the Willamina Planning Commission unanimously voted to recommend that the City Council approve the annexation, zone change, and comprehensive plan map amendment of said area and property herein above first described; and

WHEREAS, a public hearing was held on May 9, 2017 before the City Council of the City of Willamina, at which time the registered voters and other interested citizens were given full opportunity to be present and heard on the question of annexation of said area and property herein above first described; now therefore,

Ordinance 667

THE CITY OF WILLAMINA DOES ORDAIN AS FOLLOWS:

Section 1. That insomuch as the owner of the real premises described above has consented in writing to the annexation of said area and property, and such consent is on file in the recorder's office in the City of Willamina, IT IS HEREBY ORDERED, DECLARED AND PROCLAIMED that the area and property described in Exhibit "A" and shown on the Annexation Map in Exhibit "B" is hereby annexed to the City of Willamina, Yamhill County, State of Oregon.

Section 2. The City Council of the City of Willamina does hereby adopt those certain findings of fact and conclusionary findings attached hereto as EXHIBIT "C" and by this reference made a part hereof.

Section 3. The City Council of the City of Willamina does hereby amend the Zoning Map of the City of Willamina, Oregon, establishing the Two-Family Residential (R-2) Zone on the subject property described in Exhibit "A" and shown in Exhibit "B" and by this reference made a part hereof.

Section 4. The City Council of the City of Willamina does hereby amend the Comprehensive Plan Map of the City of Willamina, Oregon, establishing the Moderate Density Residential (MDR) Zone on the subject property described in Exhibit "A" and shown in Exhibit "B" and by this reference made a part hereof.

Section 4. The Recorder of the City of Willamina, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of Oregon, the Department of Revenue of Oregon, the Assessor of Yamhill County, Oregon, and the County Clerk of Yamhill County, Oregon, a certified copy of the following documents:

- (a) Copy of this Ordinance.

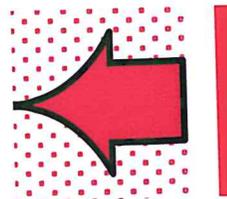
PASSED and adopted by the City Council of the City of Willamina on this 9th day of May, 2017 by the following votes:

AYES: Councilors, Burr Johnson, Baker,
McKnight, Stetzke, Wooden.

NAYS: Ø

ABSTAIN: Ø

ABSENT: Ø



Approved by the Mayor on this 9th day of May, 2017.

SIGNED: 
Ila Skyberg, Mayor

5-12-2017
Date

ATTEST: 
Debbie Bernard, City Recorder

5-12-2017
Date

EXHIBIT "A"

LEGAL DESCRIPTION

Lot Book Service

Guarantee No.: 7129-2796628
Page 3 of 3

Exhibit "A"

Real property in the County of Polk, State of Oregon, described as follows:

BEGINNING AT THE COMMON SECTION CORNER OF SECTIONS 1, 2, 11 AND 12, IN TOWNSHIP 6 SOUTH, RANGE 7 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF POLK AND STATE OF OREGON; THENCE NORTH 41° EAST, A DISTANCE OF 75.4 FEET TO THE SOUTHWEST CORNER OF THE ACE TURNIDGE RANCH; THENCE EAST ALONG THE SOUTH BOUNDARY OF SAID ACE TURNIDGE RANCH, A DISTANCE OF 1,368.5 FEET; THENCE SOUTH, A DISTANCE OF 569.3 FEET TO THE NORTH BOUNDARY OF THE F.J. HARRIS RANCH; THENCE SOUTH 89°16' WEST ALONG THE NORTH BOUNDARY OF SAID HARRIS RANCH; A DISTANCE OF 1,408 FEET TO FIR STAKE; THENCE NORTH, A DISTANCE OF 528.0 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THE FOLLOWING DESCRIBED PREMISES:

BEGINNING AT THE NORTHEAST CORNER OF THE TRACT OF LAND 100 BY 100 FEET, DEEDED BY OTTO W. HEIDER AND WIFE, TO GEORGE W. DAVIS AND WIFE, AND RECORDED ON PAGE 307, OF VOLUME 125, DEED RECORDS FOR POLK COUNTY OREGON, WHICH POINT IS ON THE SOUTH BOUNDARY OF OAK STREET AND 165.0 FEET SOUTH AND 175.0 FEET WEST OF THE NORTHWEST CORNER OF HILLCREST ADDITION TO WILLAMINA, SECTION 1 OF TOWNSHIP 6 SOUTH, RANGE 7 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF POLK AND STATE OF OREGON; THENCE WEST, A DISTANCE OF 161.0 FEET; THENCE SOUTH, A DISTANCE OF 407.11 FEET TO THE SOUTH BOUNDARY OF FIET LAND; THENCE NORTH 89° 16' EAST ALONG SAID SOUTH BOUNDARY LINE, A DISTANCE OF 161.2 FEET; THENCE NORTH, A DISTANCE OF 404.85 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT A RIGHT-OF-WAY CONVEYED TO THE CITY OF WILLAMINA TO CONSTRUCT AND MAINTAIN WATER PIPES OVER THE ABOVE DESCRIBED PROPERTY AS DISCLOSED BY THAT CERTAIN RIGHT-OF-WAY DEED DATED APRIL 1, 1937, AND RECORDED ON PAGE 278, BOOK 110, DEED RECORDS FOR POLK COUNTY, OREGON.

ALSO EXCEPT THAT TRACT OF LAND CONVEYED TO THE CITY OF WILLAMINA FOR ROAD PURPOSES, RECORDED MARCH 10, 1998, IN BOOK 350, PAGE 1389, POLK COUNTY, OREGON.

NOTE: This Legal Description was created prior to January 01, 2008.

First American Title

EXHIBIT "C"

CITY COUNCIL FINDINGS – ANNEXATION, ZONE CHANGE, COMPREHENSIVE PLAN MAP AMENDMENT

Planning File No. ANX/ZC/CPMA 2017-01

This matter comes before the Willamina City Council on the application of the applicant, Steven Draper, to annex approximately 17.12 acres of land into the City of Willamina, and establish the Two-Family Residential (R-2) Zone and the Moderate Density Residential (MDR) Comprehensive Plan Map designation on the newly annexed property.

I. FINDINGS -- BACKGROUND

Applicant:	Edwin Sharer
Owner:	Steve Draper
Location:	Polk County Assessor's Map and Tax Lot: 06712000/1100 (See Exhibit A)
Property Address:	No situs address.
Property Size:	Approximately 17.12 acres
Current Use:	Vacant
Comprehensive Plan:	Low Density Residential (LDR)
Zoning:	County Zone: Suburban Residential (SR)
Request:	Annexation of approximately 17.12 acres within the Urban Growth Boundary with a corresponding zone change and comprehensive plan map amendment.

II. APPLICATION SUMMARY

Annexation of approximately 17.12 acres within the Urban Growth Boundary (UGBJ) with a corresponding zone change and comprehensive plan map amendment. The site is currently zoned Suburban Residential (SR) in Polk County. The proposed zoning is Two-Family Residential (R-2). The Comprehensive Plan Map designation for this site is currently Low Density Residential (LDR). The proposed Comprehensive Plan Map designation is Moderate Density Residential (MDR).

According to the City of Willamina, Development Code, Section 3.111, the boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the City's Urban Growth Boundary and contiguous to the City or separated from it by a stream or right-of-way only.

This proposal was considered by the Planning Commission at a public hearing on May 2, 2017. The Planning Commission voted unanimously to recommend to the City Council adoption of the staff report and approval of an Annexation, Zone Change, and Comprehensive Plan Map Amendment, subject to the conditions of approval set forth in the staff report. The issue of access to any potential subdivision on the subject site and the conditions and feasibility of the surrounding streets to serve a potential subdivision will be addressed at the time of subdivision and will be considered in relation to the results of a traffic impact analysis and input from the public.

The City Council shall hear testimony and shall approve or deny the proposal. The City Council's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal relates to the criteria listed below:

III. CRITERIA AND FINDINGS - ANNEXATION

CRITERIA – WILLAMINA DEVELOPMENT CODE - ANNEXATION

For all annexations the decision shall state how the proposal will:

1. Affect the community's air resources

Applicant Response: "It is proposed that along with this annexation request, the property will be zoned R-2 Residential. R-2 Residential development is the least densely developed residential zone available to this property. This allows more square footage per unit/lot (lowest density) than other residential zones. Residential zones don't emit higher amounts of dust, smoke, particulate, odors, etc., as compared to industrial or manufacturing. Due to the city's close proximity to the coastal foothills, the topographical terrain, abundance of prevailing winds and surrounding forest use this development will have minimal impact on the city's air resources.

Findings: The proposed annexation and zone change with subsequent development adhering to standards for R-2 zoning is not expected to have a negative effect on the community's air resources. Criterion 1 is met.

2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands

Applicant Response: "This property has been within the city's urban growth boundary for roughly 20 years. As nearby development has occurred, provisions have been implemented for availability for utility and city services to be provided in this area. Except for adequate water pressure, all city services are adequate, and available at this property. Currently, there are four existing improved city streets fronting this property, with water lines, city sewer, power, natural gas, and sidewalks. Storm sewer will utilize the seasonal creek as it the same for Pioneer Heights Subdivision."

Findings: The subject property is within the city's urban growth boundary. The north and east boundaries are contiguous with the boundary for the City of Willamina. The current County zoning of this site is Suburban Residential and the proposed R-2 zoning is compatible with surrounding properties in the City of Willamina. Criterion 2 is met.

3. Relate to areas with natural hazards

Applicant Response: "Two types of natural hazard come to mind concerning this property; The seasonal creek and drainage area associated with it, and the sloped terrain. As to the seasonal creek, the applicant is providing a proposed tentative lot layout/plan. Open space has been designated the entire length of the creek area except for two street crossings with culverts. No other development will disturb the creek.

The terrain on this subject property is very similar to that of Pioneer Heights. There are no adversely steep slopes and as such will be quite manageable. All proposed street development can be accomplished within city code requirements. Any development work will require City and State Department of Environmental Quality permits. Those concerns can be met with proper steps to protect against erosion and for public safety."

Findings: There is an identified creek on the subject property as well as areas of sloped terrain. The applicant proposes to designate open space areas around the creek, except for two street crossings over the creek with culverts. The designation of open space areas to protect the creek and a more detailed analysis of steep slopes will be a factor in any future consideration of a subdivision proposal for this site. Criterion 3 is met.

4. Affect the fish and wildlife in the proposed annexation

Applicant Response: "There are obviously different types of wildlife habitat currently in use on the subject property. Only minimal area of the seasonal creek will be disturbed for two street crossings. The applicant's proposed tentative lot layout shows proposed open space the entire length of the undisturbed creek area, except for the street crossing areas. Also, there are no fences that are proposed which would restrict movement of the different types of critters that might possible move through this area. With the only disturbance to the seasonal creek area being the street crossings, downstream water quality should remain good and be adequately protected."

Findings: At the time of any future subdivision review, consideration will be given to the wildlife habitat on the subject property and conditions may be imposed to protect these areas in order to minimize any negative effects on wildlife due to development. Criterion 4 is met.

5. Utilize energy resources and conserve energy use

Applicant Response: "This property is located close to existing urban development. Existing city streets will be extended providing the closest possible access to destinations residents might wish to reach. Traffic will not be routed away from the direction of travel they wish to go, with wasted travel time and mileage. This property has a significant amount of south and southeasterly slope. This type of slope lends itself to utilizing solar benefits at the time of construction, benefiting the occupants of the dwellings. The applicant will be seeking R-2 zoning, which should allow for somewhat larger lots and better suited for utilizing solar benefits. Newly constructed streets will be of sufficient width to accommodate bicycles and sidewalks for pedestrian traffic."

Findings: The location of the subject site, bordering the city limits on two sides and adjacent to

existing urban development, lends itself to the conservation of energy resources. Criterion 5 is met.

6. Protect open spaces and scenic views and areas

Applicant Response: "The proposed use here is for residential development, with R-2 zoning. R-2 zoning is the least densely development zone, available to this property, which usually equates to larger lots allowing flexibility in landscaping and siting the dwelling and more easily achieving spacious views for the inhabitants. Pioneer Heights is a living example of view potential from these sloped hillsides. The creek area will be mindfully protected and the open space adjacent to it will be preserved for everyone to enjoy."

Findings: At the time of any future subdivision review, consideration will be given to the open spaces and scenic views on the subject property. Conditions may be imposed to protect these areas in order to minimize any negative effects due to development. Criterion 6 is met.

7. Provides for transportation needs in a safe, orderly and economic manner

Applicant Response: "Constructive planning by the city regarding past development makes this an appropriate annexation to the city. As stated prior in this narrative and again here, the transportation needs of this development property are a natural fit to the existing city transportation network and the City's Transportation Planning Plan. Access to this property is provided by 4 city streets, which have been constructed to the edge of this property, needing only to be extended through the property at the time of development. Pioneer drive, Pine Street, Conestoga Street, and Bales Avenue are all improved, with sidewalks. Power, water, sewer, and communication utilities are available at the end of each existing street.

Hill Drive must be extended to the west, extending through any new development. A major portion of Hill Drive, currently lacks current upgrades: curbs, sidewalks, etc. The City's Transportation Plan calls for Hill drive to be improved as development occurs along the street. As the subject property is developed, Hill Drive will be extended within the property to Collector Street specifications regarding width.

Findings: The subject property is adequately served by existing transportation infrastructure with the potential for access from five streets: Pioneer Drive, Pine street, Conestoga Street, Bales Avenue, and Hill Drive. Criterion 7 is met.

8. Provide for an orderly and efficient arrangement of public services

Applicant Response: "All city services are currently located within, and available to the Pioneer Heights Subdivision. Five city streets currently abut and can serve this property. All five currently have city services and can be used to provide some services if needed. The four streets in Pioneer Heights Subdivision (Pioneer Drive, Pine street, Conestoga Street, and Bales Avenue) are improved with all city services and are stubbed to the property, and merely need extending onto the subject property.

As development has occurred adjacent to the subject property, it became apparent that if additional development were to occur, additional water capacity and water pressure would need to be made available. Pioneer Heights has only minimal pressure in the higher elevations.

At the intersection of Hill and Bales and extending westward, a new water line and booster pump would need to be constructed to supplement this new development. It is anticipated that the addition of these two features (larger water line and booster pump) extending along the newly

constructed portion of Hill Drive will be connected to some portion of the existing Pioneer Heights Subdivision so that the current water situation will be improved and supplemented. The expense of these water service improvements will be borne by the applicant when the property is developed.”

Findings: Utility services are available to the subject property. City facilities for water, sewage, and electricity are stubbed to the property at Pioneer Drive, Pine Street, Conestoga Street and Bales Avenue. It has been noted that additional water capacity and water pressure may be needed at the time of subdivision and may be required as a condition of approval for any future subdivision. A plan for storm drainage and erosion control will be required before a future subdivision application will be approved. Future flows to the creek as the result of development will need to be less than or equal to current flows and detention facilities will likely be required. Verification of the downstream sanitary conveyance system capacity will need to be submitted before a future subdivision application will be approved. Criterion 8 is met.

9. Provide for the recreational needs of the citizens

Applicant Response: “The city requires fees to be paid at the time of development for parks and recreation. All new streets will have sidewalks for walker, hikers, and runners. Street will be of sufficient width for bicycles.”

Findings: As part of the review for future subdivision and development, conditions may be imposed to provide for recreational features, including sidewalks. Criterion 9 is met.

10. Affect identified historical sites and structures and provide for the preservation of such sites and structures

Applicant Response: “The subject property is a bare land parcel. The applicant is not aware of any identified historical sites or structures associated with the subject property. Most certainly there are none associated with this property that would be impacted or destroyed.”

Findings: Not applicable.

11. Improve and enhance the economy of the City

Applicant Response: “Upon completion of this annexation, zone change and subdivision approval process, the city of Willamina and its citizens will have the opportunity to enjoy new homes in a nice setting. Not everyone wants a new home, just as not everyone wants to live in an older home, but new homes bring opportunity and more choices for families. Property taxes on new houses bring tax dollars that help to improve infrastructure, schools and support other services, and are proportionally higher than most older existing homes due to Measure 50.

Findings: The annexation of the subject property and subsequent development of the site will add to the City’s tax base and will enhance the economy by providing additional housing choice for residents. Criterion 11 is met.

12. Provide quality, safe housing through a variety of housing types and price ranges

Applicant Response: “Development of this property in R-2 zoning is the goal of this endeavor. This property is sloped hillside wand will lend itself to larger rather than smaller lot sizes.

It is not always possible to provide multiple types of housing in a single property development. The proposed R-2 Designation will allow many different types of dwelling units, including: single family dwellings including single family manufactured homes, single family attached dwelling

unit/townhouse, duplex dwellings, triplex housing, residential care homes and day care facilities.”
Findings: The annexation of this site and subsequent residential development will add to the city’s housing stock, providing additional housing choice for residents. Criterion 12 is met.

IV. CRITERIA AND FINDINGS - ZONE CHANGE/COMPREHENSIVE PLAN MAP AMENDMENT

CRITERIA - STATEWIDE PLANNING GOALS

Goal 1: *Citizen Involvement.* The public will be given the opportunity to voice their concerns at the public hearings before the Planning Commission and the City Council and will be notified of decisions made on the application. Staff finds this criterion is met.

Goal 2: *Land Use Planning.* Establishes a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The review of this application is being conducted according to the procedures set forth in the Willamina Development Code, Section 3: Procedure for Type III Review, Section 3.111: Annexations and Section 3.102: Zone Change. The application is being considered for conformance with the standards set forth in Section 2.102: Two-Family Residential Zone, as well as for its adherence to the broader goals of the Comprehensive Plan. Staff finds this criterion is met.

Goals 3: *Agricultural Lands.* This goal is not applicable. The subject property is not agricultural land and is located inside the urban growth boundary.

Goal 4: *Forest Lands.* This goal is not applicable. The subject property is not forest land and is located inside the urban growth boundary.

Goal 5: *Natural Resources, Scenic and Historic Areas, and Open Areas.* This goal aims to protect natural resources and conserve scenic and historic areas and open spaces. The subject property contains an intermittent stream. A proposed condition of approval is the review and approval by the Oregon Department of State Lands prior to any on-site development.

Goal 6: *Air, Water and Land Resources.* This goal endeavors to maintain and improve the quality of the air, water and land resources of the State. The subject property contains an intermittent stream. A proposed condition of approval is the review and approval by the Oregon Department of State Lands prior to any on-site development.

Goal 7: *Areas Subject to Natural Disasters and Hazards.* This goal is not applicable. The subject property is not within the flood zone.

Goal 8: *Recreation Needs.* This goal is not applicable. This proposed change does not impact recreational lands within the City.

Goal 9: *Economy of the State*. This goal is not applicable. The proposed change is from a residential zone in the County to a residential zone in the City.

Goal 10: *Housing*. The current proposal adds to the amount of land available for residential development and adheres to Housing Element goals of the Comprehensive Plan: *To take steps to ensure that Willamina residents are provided with safe and sanitary housing and to encourage the development of a range of housing types and cost levels to adequately meet the needs of its citizens*. A 2012 report by the Population Research Center of Portland State University found that by 2035, Willamina will have a population of 3,261 people, a 26% change from the actual 2011 population. Households are projected to increase to 845, and it is anticipated that 924 housing units will exist in Willamina by 2035. Thus, between 2011 and 2035, the potential housing demand may be anywhere from 136 to 192 units. Staff finds this criterion is met.

Goal 11: *Public Facilities and Services*. Goal 11 requires *a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development*. The City's public works director has provided comment assuring that the approval of the zone change will not have an adverse impact upon the provision of public facilities and services. Further review of potential impacts to transportation, storm drainage and water systems will be performed in the event the property is developed or partitioned in the future. Staff finds this criterion is met.

Goal 12: *Transportation*. The site abuts five city streets. Any needed improvements to streets used for access to the site will be reviewed at the time of subdivision and development. Staff finds this criterion is met.

Goal 13: *Energy Conservation*. The comprehensive plan of the City of Willamina encourages energy efficient development. The property is already within the city's urban growth boundary and adjacent to the city limits. Staff finds this criterion is met.

Goal 14: *Urbanization*. Goal 14 provides *for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities*. This site is located within the city's urban growth boundary and is adjacent to the city limits. Residential development of this site will provide for the orderly expansion of the city and the accommodation of projected population growth. Staff finds this criterion is met.

Goals 15-19. These goals apply to specific geographic locations, none of which are impacted here. Staff finds these goals do not apply.

CRITERIA – WILLAMINA DEVELOPMENT CODE - ZONE CHANGE

According to the Willamina Development Code, Section 3.102, zone change proposals shall be approved if the applicant provides evidence substantiating the criteria listed below.

Ordinance 667

A. The proposed zone is appropriate for the Comprehensive Plan land use designation of the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification

Applicant Response: "This property is included within the City's Urban Growth Boundary and is currently zoned Suburban Residential as noted on the Comprehensive Plan Map. This request is for R-2 Zoning which is the least densely developed Residential District available to this property.

Findings: The subject property is within the City's urban growth boundary and is contiguous with the existing city limits on its north and east sides. The proposal includes a zone change from County Suburban Residential to Two-Family Residential (R-2) and a corresponding Comprehensive Plan Map change from Low Density Residential to Moderate Density Residential, which is compatible with the surrounding zoning of R-3 to the north and R-2/R-1 zoning to the east. Criterion A is met.

B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity

Applicant Response: "Each individual zoning designation in the City of Willamina, has minimum dwelling densities which are required to be met by the developer. The designated plans are filed with and approved by the State of Oregon. As noted in Item (A), above, the requested zone R-2, has the least densely developed minimum units per acre.

This requested zoning designation comes after careful consideration of several factors. The property is sloped hillside, and larger lots are more favorable than higher density with smaller lots. This property lies adjacent to Pioneer Heights Subdivision, and sharing the same type of terrain. The adjacent subdivision, (Pioneer Heights) is an example of what the finished development will comprise. Planned city services are anticipated to be capable of serving this type of development on this property. As part of that city planning it has been anticipated that development of this property will include water lines, within the development, that will increase both water capacity and water pressure fort this property and supplement portions of Pioneer Heights and some surrounding properties in the city."

Findings: The proposed zoning for this site will require a minimum density of 5 units per acre and a maximum density of 7 units per acre. A level of development between the minimum and maximum density can be accommodated on the site. Criterion B is met.

C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance

Applicant Response: "The City of Willamina has an established development code, which can and will be met as this development moves forward. Items such as street width, slope, and access availability, all can be met. Access to public utilities is available and ready to be extended from Pioneer Heights Subdivision, which is very similar to what will occur on this property."

Findings: Development standards for the R-2 zone are outlined in Section 2.102 of the Willamina Development Code. Residential development within the minimum and maximum densities required can be provided in compliance within the development standards required. Criterion C is met.

D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property

Applicant Response: “As discussed earlier in this submittal all city services are provided and available at the north and northeast boundaries of the subject property. These include:

- Street access: There are 5 existing streets serving the subject property: Pioneer Drive, Pine Street, Conestoga Street, Bales avenue, and Hill Drive. Hill Drive is not as well improved as the other four mentioned streets. Willamina’s Transportation Planning Plan calls for Hill Drive to be improved as future development occurs.
- City Water: Water is available and stubbed to the subject property at the end of each existing street terminating at the boundary of the subject property. New development will include extending Hill Drive through the subject property and provide new water line and booster pump, for more capacity and additional pressure for this development and portions of Pioneer Heights and some additional existing properties.
- City Sewer: Sanitary sewer lines are available at ends of all five streets where they front onto this subject property.
- Storm Sewer: Storm sewer will utilize the seasonal creek area within the development.
- Public utilities: Electric, telephone, natural gas: All are available at the end of the 5 service streets already mentioned.

Findings: Adequate public facilities are available to the site as it is adjacent to existing urban development. Additional water pressure will be needed at the time of development and will be conditioned at the time of subdivision. Criterion D is met.

E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met

Applicant Response: “The purpose statement for R-2 zoning is as follows: ‘The purpose of the R-2 District is to provide areas for the development of a mixture of single-family, duplex, and triplex housing opportunities at densities between 4.0 and 4.7 units per acres. The R-2 District is consistent with the Moderate Density Comprehensive Plan designation.’

The Applicant believes this purpose statement is in error. Section 2.102.05 (C) of the City’s Development Code states that “when R-2 land is subdivided, the minimum density shall be five (5) units per acre and the maximum density shall be seven (7) units per acre.

The Applicant’s proposed use of 5 units per acre is within the minimum and maximum density. Additionally, allowing a mix of single-family, duplex, and triplex units allows for different types of lifestyles and ultimately brings appeal and opportunities to a diverse base of potential occupants.”

Findings: The applicant is correct in that the purpose statement for the R-2 zone is in conflict with the Development Standards of Section 2.102.05. In this case, the Development Standards supersede the purpose statement. The correct minimum density requirement is 5 units per acre and the correct maximum density requirement is 7 units per acre. This density will allow for the intent of the purpose statement to provide for the development of a mixture of single-family, duplex and triplex housing opportunities. Criterion E is met.

V. PLANNING COMMISSION RECOMMENDATION

On May 2 2017, the Planning Commission conducted a duly noticed public hearing, received the staff report, and received testimony from those in attendance. The

Ordinance 667

Commission closed the public hearing and deliberated passing a motion recommending the City Council approve the annexation and establish the Two-Family Residential Zone (R-02) and the Moderate Density Residential Comprehensive Plan Map designation on the annexed property.

VI. CONCLUSIONARY FINDING

It is concluded the annexation and establishment of the Two-Family Residential (R-2) Zone and the Moderate Density Residential Comprehensive Plan Map designation comply with the decision criteria in the Willamina Municipal Code and the Willamina Development Code.