

**CITY OF WILLAMINA
NOTICE OF PLANNING COMMISSION DECISION AND APPEAL RIGHTS**

Partition 2017-01
Planning Commission Hearing: February 7, 2017

OWNER: Patricia Jensen
APPLICANT: Edwin Sharer
LOCATION: Polk County Assessor's Map/Tax Lot: 6S7W01/202.
ADDRESS: 1050 SW Pioneer
SIZE: 21,535 square feet
CURRENT USE: Two single family homes with one garage.
ZONING: R-3 (Multi-Family Residential)
REQUEST: A two-parcel partition with Parcel 1 proposed to be approximately 13,698 square feet and Parcel 2 to be approximately 7,837 square feet

CRITERIA: **Willamina Development Code:**
Section 2.103: Multi-Family Residential Zone (R-3)
Section 2.208: Development Standards for Land Divisions
Section 3.106: Partitions

I. SUMMARY OF PROPOSAL

Proposal is to partition a unit of land totaling 21,535 square feet into two parcels with Parcel 1 to be approximately 13,698 square feet and Parcel 2 to be approximately 7,837 square feet. Access to the site is proposed to be from Pioneer Drive.

According to the City of Willamina Development Code, Section 3.106.01, a partition is required for any land division which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Divisions, Section 2.208, and other applicable development standards.

II. DECISION AND CONDITIONS OF APPROVAL

On February 7, 2017 the Planning Commission APPROVED PAR 17-01, subject to the following conditions:

1. Compliance with the General Provisions for Public Facility standards according to the Willamina Development Code, Section 2.201.03, as approved by the City Engineer and/or Public Works Director, prior to approval of a development permit. Owner shall be responsible for extending needed water, sewer, and storm water to the subject property applicable to the proposed development.
2. Compliance with the Development Standards for Land Divisions, Improvement Requirements, according to the Willamina Development Code, Section 2.208.05(A)(2):

the applicant shall sign a non-remonstrance agreement with the City of Willamina. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.

3. A garage or carport is required to be provided to the west parcel to serve the existing house in accordance with Section 2.103.05, Development Standards for the Multi-Family Residential Zone.
4. A paved driveway with access to Pioneer is required to be provided to the west parcel in accordance with Section 2.203.08, Parking and Loading Area Development Requirements.
5. Submittal of a final plat, complying with the provisions of the Oregon Revised Statutes (ORS), Chapter 92, prepared by a registered land surveyor and submitted to the City. The final plat shall substantially conform to the proposed partition plan.
6. Completion, submittal and recording of the final plat with the appropriate County Surveyor/County Recorder and in compliance with the applicable requirements contained in the Willamina Development Code.
7. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

III. APPEAL RIGHTS

A party who established standing by participating in the public hearing process orally or by written comment may appeal the decision to the Willamina City Council, or if the decision is different from the proposal described in the notice of hearing to such a degree that the notice of the proposed action did not reasonably describe the City's final actions, a party adversely affected by the decision may appeal the decision to the Willamina City Council.

The decision of the Planning Commission for a Type II land use decision shall be final unless a notice of appeal from an aggrieved party is received by the City within fourteen (14) calendar days of the date of the final written notice, or unless the City Council, on its own motion, orders review within fourteen (14) calendar days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal. The decision for PAR 2017-01 was mailed on February 13, 2017.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

If you have questions, please contact the City Planner, Lisa Brosnan, at 503 540-1616 or lbrosnan@mwvcog.org.

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I. SUMMARY OF PROPOSAL

Proposal is to partition a unit of land totaling 21,535 square feet into two parcels with Parcel 1 to be approximately 13,698 square feet and Parcel 2 to be approximately 7,837 square feet. Access to the site is proposed to be from Pioneer Drive.

II. CRITERIA AND FINDINGS

According to the City of Willamina Development Code, Section 3.106.01, a partition is required for any land division which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Divisions, Section 2.208, other applicable development standards and the following additional requirements:

A. Access: Each parcel shall meet the access requirements of Subsection 2.208.03.

Applicant Response: "When the partition process is completed both parcels will be using driveways that currently exist. Those driveways use existing curb and the applicant has not been made aware of any problems or deficiency.

Findings: The proposed parcel to the east has access to Pioneer from an existing paved driveway. The proposed parcel to the west is required to have access to Pioneer from a paved driveway to be provided by the applicant as a condition of approval. The site plan indicates a paved driveway to be provided to the west parcel, fulfilling the requirements of Section 2.208.03 and 2.203 for parking development requirements.

B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.

Applicant Response: See below.

Findings: See below.

- C. Adequate public facilities shall be available to serve the existing and newly created parcels.

Applicant Response: "The applicant has had utility locates identify all utilities including water and sewer. Currently one sewer and water connection serves the subject property for both existing structures. The Applicant will complete separation for the sewer and water service as part of this partition process. The subject property has two existing structures sited. Existing methods of storm water disposal will continue to be employed. The subject property fronts onto improved streets complete with existing pavement and curbs."

Findings: Utilities are available to the subject property. The provision of utilities to each separate parcel is a condition of approval for this application.

Standards for Lots or Parcels, Section 2.208.03

- A. Minimum lot area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

Applicant Response: "Minimum lot size in R-3 zoning is 5,000 square feet. Both parcels exceed the minimum lot size."

Findings: The two proposed parcels exceed the minimum lot area requirement for a single family residence in the R-3 zone. Criterion A is met.

- B. Lot width and depth: The depth of a lot or parcel shall not be more than two and a half (2.5) times the width of the parcel

Applicant Response: "Depth to width ration of Parcel 1 is .813 to 1. depth to width ration of Parcel 2 is 1.415 to 1. Please se Preliminary map."

Findings: Parcel 1 has a proposed width of 130.54 feet and depth of 105.34 feet. Parcel 2 has a proposed depth of 105.33 feet and width of 74.40 feet. Criterion B is met.

- C. Access: All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone.

Applicant Response: "Side lines of the proposed division are perpendicular to the frontage street, and therefore extend across the entire width of the parcels. Please see Preliminary Plat map."

Findings: The R-3 zone requires a minimum lot width/frontage of 50 feet. The proposed width of parcel 1 is 130.54 feet and parcel 2 is 74.40, both in excess of the minimum lot width/frontage. Criterion C is met.

- D. Flag Lots: If "flag" parcels are proposed, explain how the flag parcel standards of Section 2.208.03, D are met (lot flag: a lot or parcel of land taking access by a relatively narrow strip of land between a major portion of the parcel and the point of a public access to the parcel, all of which is under the same ownership or title.

Applicant Response: "Not applicable to this application."

Findings: The creation of flag lots is not proposed in this application. Criterion D is met.

- E. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation.

Applicant Response: "Not applicable to this application."

Findings: None of the proposed parcels qualify as through lots. Criterion E is met.

F. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.

Applicant Response: "Please see Preliminary Plat map."

Findings: The proposed side lines of both parcels run at right angles to the right-of-way line of the street. Criterion F is met.

G. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Subsection 2.205.02(l) of this Code.

Applicant Response: "Included with this submittal is Title Report furnished at the Applicant's expense. That report and the Preliminary Plat Map identify a 15 foot deep utility easement across the entire width of the subject property. separation of utilities will be accomplished within the 15 foot utility easement currently existing on the subject parcel."

Findings: The proposed parcels have an existing 15 foot utility easement adjacent to the right-of-way. Criterion G is met.

H. Standards for Blocks, General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

Applicant Response: "Not applicable."

Findings: This application does not include the creation of blocks. Criterion H is met.

I. Standards for Blocks, Sizes: Blocks shall not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

Applicant Response: "Not applicable."

Findings: This application does not include the creation of blocks. Criterion I is met.

Improvement Requirements, Section 2.208.05

A. Partitions: During the review of partition proposals, the City may require, as a condition of approval, the following improvement:

1. Private driveways serving flag lots, or private streets, shall be surfaced per the requirements of this Ordinance.
2. If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Willamina. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.
3. If the street frontage of the subject property exceeds 250 feet, the applicant shall improve the following:
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.
 - b. Sidewalks, meeting City standards, along public street frontage.
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.

All improvements required as a condition of approval shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition.

III. PUBLIC HEARING

A properly noticed public hearing was duly held on this application before the Willamina Planning Commission on February 7, 2017. At the hearing the staff report to the Planning Commission dated January 31, 2017 was made a part of the record. Notice of the hearing was mailed to owners of property within 100-feet of the subject property. No bias or conflicts of interest were declared and no objection was raised as to jurisdiction, notice, evidence or testimony presented at the hearing.

After the hearing was closed, the Planning Commission deliberated on the issues and voted to adopt the staff report and approve the requested Partition with conditions. The Commission found the proposal to be consistent with the Willamina Development Code, and directed staff to prepare an Order for the Chairperson's signature.

IV. ORDER

It is hereby found the application meets the relevant approval criteria for a Partition, subject to the Conditions of Approval below.

THEREFORE, it is the decision of the Willamina Planning Commission to APPROVE the application requesting a two-parcel partition in the Multi-Family Residential (R-3) District, subject to the following Conditions of Approval:

1. Compliance with the General Provisions for Public Facility standards according to the Willamina Development Code, Section 2.201.03, as approved by the City Engineer and/or Public Works Director, prior to approval of a development permit. Owner shall be responsible for extending needed water, sewer, and storm water to the subject property applicable to the proposed development.
2. Compliance with the Development Standards for Land Divisions, Improvement Requirements, according to the Willamina Development Code, Section 2.208.05(A)(2): the applicant shall sign a non-remonstrance agreement with the City of Willamina. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.
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5. Submittal of a final plat, complying with the provisions of the Oregon Revised Statutes (ORS), Chapter 92, prepared by a registered land surveyor and submitted to the City. The final plat shall substantially conform to the proposed partition plan.
6. Completion, submittal and recording of the final plat with the appropriate County Surveyor/County Recorder and in compliance with the applicable requirements contained in the Willamina Development Code.
7. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

V. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Willamina land use review and approval process does not take the place of, or relieve the applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

APPROVED BY A VOTE OF THE WILLAMINA PLANNING COMMISSION ON THE 7th DAY OF FEBRUARY 2017.

DATED at Willamina, Oregon, this day of February, 2017.

SIGNED:



Dennis Ulrich, Chairperson

Date:



ATTEST:



Debbie Bernard, City Recorder

Date:



PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on Tuesday, February 7, 2017 at 6:00 pm the Willamina Planning Commission will conduct a public hearing to consider the following request. The Planning Commission will make a recommendation to the City Council, which will conduct a public hearing on Tuesday, February 14, 2017 at 6:00 and will make a decision on the request. Both meetings will be held at West Valley Fire District, 825 NE Main St, Willamina, OR 97396.

FILENUMBER: Annexation, Zone Change, and Comprehensive Plan Map Amendment (ANX ZC CPMA 16-01)

APPLICANT: Edwin Sharer
16500 SE Lafayette Hwy., Dayton, OR 97114

OWNER: Steve Draper
P.O. Box 173, McMinnville, OR 97128

REQUEST: An Annexation, Zone Change and Comprehensive Plan Map Amendment to rezone 14-17 acres within the Willamina City Limits. The property is currently designated as Low Density Residential (LDR) on the City of Willamina Comprehensive Plan and as Suburban Residential (SR) on the County Zoning Map. The proposed zoning designation for the property is Two-Family Residential (R-2), which corresponds to the Moderate Density Residential (MDR) zone on the Comprehensive Plan Map.

PROPERTY: Tax Lot 1100, Polk County Assessor's Map 6S, 7W, Section 12. See other side.

CRITERIA: Oregon Statewide Planning Goals and Guidelines
Willamina Comprehensive Plan
Willamina Development Code

- Section 2.102: Two-Family Residential Zone (R-2)
- Section 3.111: Annexations
- Section 3.102: Zone Change
- Section 3: Procedure for Type III Review

Persons wishing to speak for or against this proposal may appear in person or by representative at the date and time listed above. Written testimony will be received up to one week prior to the hearing in person at City of Willamina, 411 NE "C" Street, Willamina, OR 97396. All testimony should be directed to the applicable criteria.

Failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal of the City Council decision to the Land Use Board of Appeals. It is the applicant's responsibility to raise constitutional or other issues relating to any proposed condition of approval. The failure of the applicant to raise such issues with sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an action for damages in circuit court.

A copy of the application documents and evidence submitted by or on behalf of the applicant and applicable standards are available for inspection at no cost and will be provided at a reasonable cost. A staff report related to this application will be available for inspection seven (7) days prior to the hearing at no cost and copies provided at reasonable cost.

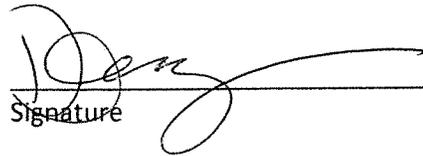
For additional information, please contact Planner, Lisa Brosnan at 503-540-1616.

HEARING CANCELLATION: This public hearing will be cancelled if Willamina Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renofication will not be sent. Please call the City Recorder at 503-876-2242 for information regarding cancellations or rescheduling.

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF MARION)

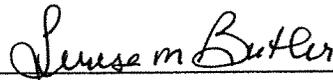
I, Denise VanDyke, being first duly sworn, depose and say: That on the 10th day of January, 2017, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Public Notice marked Exhibit "B," attached hereto by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Polk County Assessor's Office Property Records, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me on this 12th day of January, 2017.





Notary Public for Oregon
My commission expires: 10.22.2017

RE: City of Willamina file # Anx/ZC/CPMA 2016-01 – Public Notice of Hearing

905 SW PINE TRUST
POLLACK JASON, TR
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960 HILL DR SW
WILLAMINA, OR 97396

VILLALOBOS GUADALUPE & MARIA
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WILLAMINA, OR 97396

WARD JANICE N ETAL
745 CONASTOGA ST SW
WILLAMINA, OR 97396

WARD ROBIN L
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