

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 909

) IN THE MATTER OF ADOPTING AN  
) AMENDMENT TO THE COMPREHENSIVE  
) PLAN OF WESTFIR TO PERMIT NON-  
) CONTIGUOUS ANNEXATIONS AND TO  
) CHANGE FROM "INDUSTRIAL" TO  
) "PUBLIC FACILITY/GOVERNMENT" THE  
) DESIGNATION OF A PORTION OF TAX  
) LOT 100, MAP 21-35-08-32

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 829, on June 24, 1980, has adopted the Westfir Comprehensive Plan as a part of the Lane County Comprehensive Plan; and

WHEREAS, a procedure exists in Lane Code 12.050(2) to amend the Lane County Comprehensive Plan; and

WHEREAS, the City of Westfir has adopted Ordinance #49 which amends the Westfir Comprehensive Plan to (1) allow the annexation of property within the Westfir Urban Growth Boundary which would be contiguous to the city limits but for the intervention of a railroad right-of-way and (2) redesignate a portion of tax lot 100, Map 21-35-08-32 from "Industrial" to "Public Facility/Government"; and

WHEREAS, the City of Westfir has requested that the Board of County Commissioners of Lane County ratify the revisions to the Westfir Comprehensive Plan occasioned by Westfir Ordinance #49; and

WHEREAS, the Lane County Planning Commission, in regular meeting and public hearing of January 7, 1986, did recommend approval of the City of Westfir's request for ratification of amendments to the Westfir Comprehensive Plan; and

WHEREAS, evidence exists within the record indicating that the City of Westfir's request meets the requirements for plan amendment per Lane Code 12.050(2); and

WHEREAS, the Board of County Commissioners of Lane County has conducted public hearings and is now ready to take action;

NOW THEREFORE, the Board of County Commissioners of Lane County, Oregon Ordains as follows:

1. The Lane County Comprehensive Plan designation for a one acre portion of tax lot 100, map 21-35-08-32 (Plot #603), as identified on attached Exhibit "A" and further identified from the legal description attached to Exhibit "C", is Amended from a designation of "Industrial" to a designation of "Public Facility/Government."
2. The Lane County Comprehensive Plan, through the adoption of the Westfir Comprehensive Plan, is amended in regard to the following:
  - a. Annexation Policy #1 of the Westfir Comprehensive Plan, page 3-127, is revised as follows:

Land areas to be considered for annexation shall be within the Westfir Urban Growth Boundary and shall have boundaries contiguous to the then existing corporate limits of the City except in cases where the noncontiguity is caused solely by the intervention of a railroad right-of-way.

- b. Annexation Policy #2 of the Westfir Comprehensive Plan, page 3-127, shall be amended as follows:

No annexation, except as provided in Annexation Policy #1, shall be considered which proposes to make an outlying parcel of land contiguous to the City Limits by means of a long linear parcel of land (pan-handle), with one end contiguous to the City Limits.

- c. An additional policy, Annexation Policy #4, shall be added to the Westfir Comprehensive Plan and shall read as follows:

Public facilities sited on incorporated lands not currently contiguous to the Westfir City Limits shall not serve development located on unincorporated areas located within or outside the Westfir Urban Growth Boundary.


3. Findings in support of the above-cited plan amendments are set forth in Exhibit "B" and are adopted by reference.

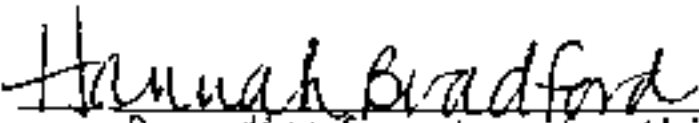
The prior designation repealed by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately.

DATED this 12th day of February, 1986.

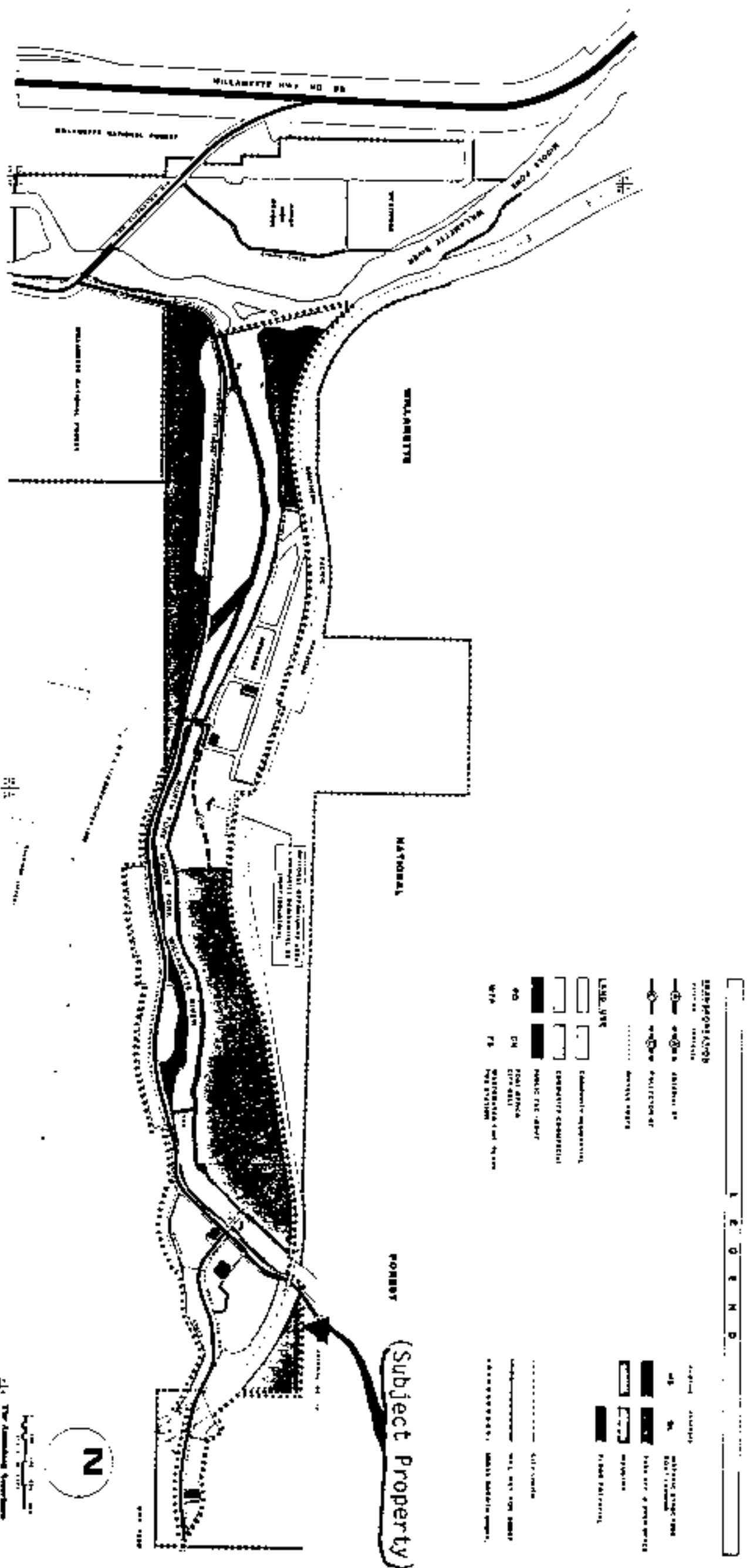
  
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Chuck Ivey, Chair  
Lane County Board of Commissioners

  
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Recording Secretary for this Meeting of the Board

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# EXHIBIT A

## WESTFIR, OREGON COMPREHENSIVE PLAN



**Lane County Board of County Commissioners****Staff Report****Hearing Date:** January 29, 1986**File No.** PA 909**Report Date:** January 13, 1986**PROPOSAL DESCRIPTION****A. Applicant**

City of Westfir  
P.O. Box 296  
Westfir, OR 97492

**B. Proposal**

Amend the Lane County Comprehensive Plan by ratifying revisions to the Westfir Comprehensive Plan annexation policies and redesignate a portion of a parcel from "Industrial" to "Public Facility/Government."

**II. RECOMMENDATION**

Recommend approval of the request. Approval was also recommended by the Lane County Planning Commission on January 7, 1986.

**III. GENERAL INFORMATION****A. Location and Site Description**

**Map:** 21-35-08-32 **Zoning:** F-1/Non-Impacted Forest Land  
**Plot** 603

The citizens of Westfir chose to incorporate in 1979, in part, in an effort to develop a governmental mechanism which could repair and maintain the private, antiquated water and sewer systems serving the community. The water system, in particular, is plagued by a leaking, 40 year old collection system and a water plant with filtration problems. These problems have led to inadequate flow for fire protection and water quality concerns expressed by the Oregon Department of Environmental Quality. The City currently proposes to repair a portion of its collection system and to build a new water treatment plant.

The property proposed to serve as the site of the new treatment plant is located north of the Westfir City Limits, at the intersection of the North Fork Road and the Southern Pacific Railroad, and comprises about one (1) acre of tax lot 100, map 21-35-08-32. The property,

which is currently designated as "Industrial" by the Westfir Comprehensive Plan, is proposed to be donated to the City of Westfir by the Westfir Land & Development Company. The property's location is ideal in that it has adequate elevation to utilize gravity to transport the water and is situated close to the City's water source in the North Fork of the Willamette River. The City has recently received a Community Development Grant from the Intergovernmental Relations Division (IRD) of the State to finance the repair of a portion of the collection system and to construct a new water treatment plant.

The Westfir Comprehensive Plan currently has several annexation policies which prohibit annexation of noncontiguous property. Since the subject property is separated from the City Limits by the Southern Pacific Railroad and right-of-way, annexation of the property is impossible. The proposed changes to the Westfir Comprehensive Plan would allow annexation of noncontiguous property if the noncontiguity was caused solely by the intervention of a railroad and/or railroad right-of-way.

#### **B. Surrounding Area and Zoning**

The property identified for redesignation to "Public Facility/Government" is surrounded on the north by F-1 zoned lands owned by the Willamette National Forest. These lands also form the boundary of the Westfir Urban Growth Boundary. The property is bounded on the east by F-1 zoned land owned by the Westfir Land & Development Company. The property is bordered on the west by the North Fork Road and on the south by the Southern Pacific Railroad and right-of-way. Property across the right-of-way to the south is within the City of Westfir and is generally zoned CR Community Residential.

#### **C. Services**

Sewer: None

Water: On-site

Fire Protection: Westfir Volunteer Fire Department upon annexation.

Police Protection: County & State

Power: Lane Electric Coop

Telephone: Pacific NW Bell

#### **D. Referral Responses**

1. Flood Management: Not in flood hazard area.
2. Rural Addressing: No impact.

### **IV. APPROVAL CRITERIA AND ANALYSIS**

#### **A. Plan Amendment Criteria**

Lane Code 12.050(2) provides that the Board may amend or supplement the comprehensive plan, providing the amendment or supplement does not impair the purpose of the plan, upon a finding of:

1. An error in the plan;
2. Changed circumstances affecting or pertaining to the plan;
3. A change in public policy;
4. A change in public need based upon a reevaluation of factors affecting the plan.

#### Analysis and Findings

Staff believes that the proposed plan amendments can be justified upon the basis of a change in circumstances which pertain to the plan.

1. The City of Westfir's water system has been experiencing problems concerning leaking collection pipes and water quality. The Westfir Comprehensive Plan (page 2-52) and the Oregon Department of Environmental Quality has documented these problems.
2. The City of Westfir currently has an opportunity to correct deficiencies in its water collection system and treatment plant through an IRD Community Development Grant and the donation of property within the urban growth boundary.
3. The Westfir Comprehensive Plan Diagram identifies facilities owned by the City as "Public Facility/Government." The acquisition and use of the subject property for a water treatment plant will require that the Plan Diagram be revised to recognize the change in future use.
4. At the time of adoption of the Westfir Comprehensive Plan there was no need to revise the Plan's annexation policies since the City had not identified alternative solutions to its water system problems, no source of financing was available and the City did not own any land outside of its corporate limits.
5. The subject property, upon which the proposed water treatment plant will be situated, is scheduled for annexation by the City of Westfir. Annexation is being pursued since current county zoning of the parcel, F-1, does not permit the construction of water treatment plants and the City would like to apply its own zoning designation of "Park, Recreation and Open Space."

#### **B. Applicable Statewide Goals**

Amendments to acknowledged comprehensive plans must address applicable statewide planning goals. The impact of the proposed changes will be minimal since the property in question is within an urban growth boundary and designated for industrial usage and because the revision of annexation policies will only affect a portion of one tax lot.

### Goal #11-Public Facilities and Services

1. The City of Westfir has documented problems concerning the collection portion of the water system and water quality from its current water treatment plant.
2. The property subject to the change in plan designation represents the only property in the area adequate to serve as the site for the future water treatment plant because:
  - a. It is the only developable property in the Westfir Urban Growth Boundary which is located sufficiently close to the City's source of water (North Fork of the Willamette River) and is of a sufficient elevation to utilize gravity to transport the water.
  - b. The property will be donated to the City. This is the only way the City can afford to acquire the property. It is important for the City to own the site of the water treatment plant for grant eligibility purposes and for reasons of plant maintenance.

### Goal #14-Urbanization

1. The revision of the Westfir Comprehensive Plan policies on annexation will not cause premature urbanization of lands within the Westfir Urban Growth Boundary because the revisions only affect a four acre portion of tax lot 100 and because proposed Annexation Policy #4 prohibits public facilities located upon unincorporated lands from serving development located within unincorporated lands within or outside the urban growth boundary.
2. The actual annexation of the subject property will be supported by findings of fact addressing the four factors of Goal #14 which guide the urbanization of land. These findings, which are incorporated by reference, are attached as Exhibit "D" to Ordinance PA 909.

## V. FINAL COMMENTS

### A. Summary and Conclusions

The request for an amendment to the Westfir Comprehensive Plan Diagram and text appears to meet the applicable plan amendment criteria of Lane Code Chapter 12 and is consistent with applicable Statewide Planning Goals. The approval of these plan revisions are an important step in a process leading to the construction of a new water treatment plant which should solve Westfir's water quality and quantity problems.

CITY OF WESTFIR  
Ordinance No. 49

AN ORDINANCE REVISING ORDINANCES #14 AND #48 TO AMEND THE ANNEXATION POLICIES OF THE WESTFIR COMPREHENSIVE PLAN AND TO DESIGNATE CERTAIN PROPERTY AS "PUBLIC FACILITY/GOVERNMENT" ON THE WESTFIR COMPREHENSIVE PLAN DIAGRAM.

The City of Westfir hereby ordains:

**Section 1. Statutory Authorization.** The legislature of the State of Oregon has in ORS 221.410(2) delegated the responsibility to cities to take all action necessary or convenient for the government of their local affairs, and in ORS 197.175(1), mandated that cities exercise their planning and zoning responsibilities in regard to the annexation of unincorporated territory by a city, in accordance with ORS 197.005 to 197.430 and 197.610 to 197.850 and the statewide planning goals.

**Section 2. Purpose.** The purpose of this ordinance is to amend the Westfir Comprehensive Plan to allow the annexation of territory within the Westfir Urban Growth Boundary which is needed for the siting of a water treatment plant.

**Section 3. Comprehensive Plan Revisions.** The Westfir Comprehensive Plan, adopted by Ordinance No. 14, on June 15, 1980, and amended by Ordinance 48, on September 2, 1985, is hereby amended according to the following particulars:

- a. Annexation Policy #1, located on page 3-127 of the Westfir Comprehensive Plan, is revised as follows:
  1. Land areas to be considered for annexation shall be within the Westfir Urban Growth Boundary and shall have boundaries contiguous to the then existing corporate limits of the City except in cases where the noncontiguity is caused solely by the intervention of a railroad right-of-way.
- b. Annexation Policy #2, located on page 3-127 of the Westfir Comprehensive Plan, is revised as follows:
  2. No annexation, except as provided in Annexation Policy 1, shall be considered which proposes to make an outlying parcel of land contiguous to the City Limits by means of a long linear parcel of land (pan-handle), with one end contiguous to the City Limits.
- c. An additional policy, Annexation Policy #4, shall be added to the Westfir Comprehensive Plan and shall read as follows:
  4. Public facilities sited on incorporated lands not currently contiguous to the Westfir City Limits shall not serve

# EXHIBIT "A"

(Ord. 47)

Beginning at a point North  $83^{\circ}55'15''$  west 380.10 feet from the East one-quarter corner of Section 7, Township 21 South, Range 3 East, of the Willamette Meridian said point being on the east-west centerline of said Section 7; run thence North  $88^{\circ}55'15''$  West 480.00 feet to the intersection of the northerly right-of-way of the Southern Pacific Railroad, thence run along the northerly right-of-way of said Southern Pacific Railroad, on the arc of a 2,009.85 foot radius curve to the right (long chord bears South  $65^{\circ}39'28''$  East 522.48 feet) a distance of 523.96 feet, thence leave said right-of-way and run North  $1^{\circ}04'45''$  East 206.35 feet to the Point of Beginning, containing 1.0 acres, more or less,  
Lane County, Oregon