



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 3, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Westfir Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 14, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Darnielle, City of Westfir

<paa> ya/

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

(See reverse side for submittal requirements)

FEB 25 2008

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Westfir Local File No.: Ord. 109 (If no number, use none)

Date of Adoption: February 11, 2008 Date Mailed: February 22, 2008 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 16, 2007

- Comprehensive Plan Text Amendment
X Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Amends Westfir Land Development ordinance to decrease minimum lot size, increase maximum lot coverage, and brings the ordinance into compliance with statutory provisions regarding residential homes and facilities and family child care homes.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A." Changes were made to address the treatment of residential homes and facilities and family child care homes.

Plan Map Changed from : to

Zone Map Changed from: to

Location: Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: Goal 2, Goal 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-07 (16312)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Gary Darnielle Area Code + Phone Number: 541-682-4431

Address: 99 E. Broadway, Suite 400

City: Eugene, OR Zip Code+4: 97401-3111

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF WESTFIR
Ordinance No. 109**

AN ORDINANCE AMENDING ORDINANCE NUMBER 93

WHEREAS, on June 10, 2002 the Westfir City Council adopted the Westfir Land Development Code by reference through the passage of Ordinance No. 93, and

WHEREAS, the Westfir Planning Commission held a public hearing on proposed changes to the Westfir Land Development Code on October 15, 2007; and

WHEREAS, the Westfir City Council held a public hearing on the proposed changes to the Westfir Land Development Code on November 12, 2007;

NOW THEREFORE,

The City of Westfir hereby ordains:

Section 1. Chapter 5 of the Westfir Land Development Code is modified as follows:

- a. Section 5.20 is amended to add the following two uses:
 - I. "Family Child Care Home"
 - J. "Residential Home"
- b. Section 5.3.0.B "Child day care center" is deleted and replaced by "Residential Facility."
- c. Table 5.4.1 is amended in the following manner:
 - (1) The Minimum Lot Width shall be changed to "60 feet for interior lots and 65 feet for corner lots."
 - (2) The Minimum Lot Depth shall be changed to "80 feet."
 - (3) The Minimum Lot Frontage shall be changed from "100 feet" to "20 feet."

Section 2. Chapters 6 and 7 of the Westfir Land Development Code are modified as follows:

- a. The second sentence of Section 6.1.0 and 7.1.0 is changed to read "The primary uses within the zone shall be single-family dwellings with a minimum lot size of 8,000 square feet."
- b. Sections 6.2.0.B and 7.2.0.B are amended by replacing "Family Day Care Facility" with "Family Child Care Home."
- c. Sections 6.3.0 and 7.3.0 are amended to delete "Day Care Facility" and to renumber the sections accordingly.
- d. Tables 6.4.1 and 7.4.1 are amended in the following manner:

- (1) The Minimum Lot Size is changed from "10,000 square feet" to "8,000 square feet." This standard is noted with an asterisk stating: "The average of all lot sizes created during any subdivision process shall be 9,500 square feet or more, as long as this provision for average lot size is not modified or waived by the city during the master plan or tentative subdivision process."
 - (2) The Minimum Lot Width is changed from "100 feet" to "80 feet."
 - (3) The Minimum Lot Depth is changed from "100 feet" to "80 feet."
 - (4) The Minimum Lot Frontage is changed from "100 feet" to 60 feet."
 - (5) The Maximum Building Height for "All other buildings" is changed from "35 feet" to "36 feet."
 - (6) The Maximum Lot Coverage is changed from "35 percent" to "50 percent."
- e. Tables 6.4.2 and 7.4.2 are amended in the following manner:
- (1) The Minimum Lot Width is changed from "Ten percent of minimum lot size" to "80 feet."
 - (2) The Maximum Building Height for "All other buildings" is changed from "35 feet" to "36 feet."
 - (3) The Maximum Lot Coverage is changed from "35 percent" to "50 percent."
- f. Sections 6.8.0.D and 7.8.0.D "Large Residential Developments" are deleted.

Section 4. Chapter 8 of the Westfir Land Development Code is modified as follows:

- a. The second sentence of Section 8.1.0 is changed to read "The primary uses within the zone shall be single-family dwellings with a minimum lot size of 8,000 square feet."
- b. Section 8.2.0.B is amended by replacing "Family Day Care Facility" with "Family Child Care Home."
- c. Section 8.3.0 is amended to delete "Day Care Facility" and to renumber the section accordingly.
- d. Table 8.4.1 is amended in the following manner:
 - (1) The Minimum Lot Size for single family dwellings is changed from "10,000 square feet" to "8,000 square feet." This standard is noted with an asterisk stating: "The average of all lot sizes created during any subdivision process shall be 9,500 square feet or more, as long as this provision for average lot size is not modified or waived by the city during the master plan or tentative subdivision process."

The Minimum Lot Size for "Duplex" is amended to include "Triplex, and others up to five (5) units per lot."

The Minimum Lot Size for "Multi-family dwelling for 3 dwelling units" is amended to read "Multi-family dwelling from 6 to 10 units per lot" and "14,500 square feet" is replaced by "17,500 square feet."

- (2) The Minimum Lot Width is changed from "100 feet" to "80 feet."
 - (3) The Minimum Lot Depth is changed from "100 feet" to "80 feet."
 - (4) The Minimum Lot Frontage is changed from "100 feet" to 60 feet."
 - (5) The Maximum Building Height for "All other buildings" is changed from "35 feet" to "36 feet."
 - (6) The Maximum Lot Coverage is changed from "35 percent" to "75 percent."
- e. Table 8.4.2 is amended in the following manner:
- (1) The Minimum Lot Width is changed from "Ten percent of minimum lot size" to "80 feet."
 - (2) The Maximum Building Height for "All other buildings" is changed from "35 feet" to "36 feet."
 - (3) The Maximum Lot Coverage is changed from "35 percent" to "50 percent."
- f. Section 8.8.0.D "Large Residential Developments" is deleted.

Section 5. Chapter 9 of the Westfir Land Development Code is modified as follows:

- a. Section 9.2.0.F is amended to replace "Family Day Care Facility" with "Family Child Care Home."
- b. Section 9.2.0.K is amended to read: "Hospital, convalescent care, nursing, residential home, residential facility, or rest home."
- c. Section 9.4.0 is amended to add the following sentence to Minimum Lot Size: "For single family residential uses, minimum lot size will be 8,000 square feet although the average of all lot sizes created during any subdivision process will be 9,500 square feet or more, as long as this provision for average lot size is not modified or waived by the city during the master plan or tentative subdivision processes."
- d. Section 9.4.0 is amended to add the following sentence to Minimum Lot Width: "For single family residential uses, minimum lot width will be 80 feet."
- e. Section 9.9.0.B is revised by deleting the word "Oakridge" that appears before the term "Sewage Treatment Plant."
- f. Section 9.9.0.C "Large Residential Developments" is deleted.

Section 6. Chapter 29 of the Westfir Land Development Code is modified as follows:

- a. The definition of "Child Care Center," definition #22, is deleted.
- b. The following definitions are added in Chapter 29:

"FAMILY CHILD CARE HOMES: A home where child care is offered as defined within ORS 657A – Child Care."

"RESIDENTIAL HOME: A certified care facility for treatment or training of adults in foster care as defined in ORS 197.660."

"RESIDENTIAL FACILITY: A certified care facility for treatment or training of adults as defined in ORS 197.660."

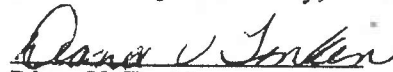
- c. The following sentence is added to Definition 70.b.:

"The minimum lot width is an average and takes into account that the required minimum lot frontage is a less restrictive standard."

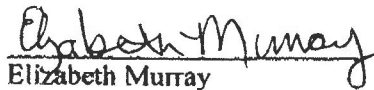
Section 7. The City of Westfir adopts findings, as shown in Exhibit A, in support of changes proposed by this Ordinance to the Westfir Land Development Code.

PASSED by the Common Council of the City of Westfir, Oregon this 11th day of February, 2008.

APPROVED by the Mayor of the City of Westfir, Oregon this 11th day of February, 2008.


 Diana V. Tonkin
 Mayor, City of Westfir

ATTEST:


 Elizabeth Murray
 City Recorder

AYES: 4

NAYES: 0

EXHIBIT A
To
ORDINANCE NO. 109

Section 24.7.0 of the Westfir Development Code provides that the following are the standards for granting approval for a zone change:

- A. *The proposed zone/district change is in conformance with the Comprehensive Plan and will not have a significantly adverse effect upon adjoining lands and uses.*

The Westfir Comprehensive Plan recognizes that the mill site will be developed with single- and multiple-family development and possibly some limited commercial development. Land Use Strategy Policy 2.4 of the Comprehensive Plan notes that residential expansion is focused, in part, on the mill site area East of Hemlock Subdivision. The Comprehensive Plan Diagram reflects residential, mixed use and high density residential development on the mill site area. The proposed changes to the found zoning districts does not change this situation but can be argued to make the reality of those land uses more likely to occur.

The Westfir Comprehensive Plan's Buildable Lands Inventory assumes development of $26 \frac{2}{3}$ net acres of the mill site would result in a potential for 151 units. The proposed zone change would allow more flexibility in providing single-family units and would allow an increase in the number of single-family units in the R-1 zone from 44 to 67. The removal of the "large residential development" standard would also encourage more traditional subdivision development (i.e. more uniform lot sizes). This change would also make it more likely that the mill site would eventually develop as real market conditions would dictate build-out rather than having one-third or one-half acre lots being created where no demand for multi-family housing may exist and the lots are too expensive to sell for single-family development.

The City Council concludes that the proposed changes to the Land Development Ordinance conform to the Westfir Comprehensive Plan and do not have a significantly adverse effect upon adjoining lands and uses.

- B. *A determination of why the area is not usable as presently planned and zoned, which may establish a basis for revision of the Comprehensive Plan, precedent to consideration of the zone/district change.*

This standard is relevant to where particular property is rezoned from one zoning designation to another. In the present case, the standard is not applicable as the City is being asked to make a legislative change to the text of the zoning regulations.

- C. *The uses and density that will be allowed by the change can be served through the orderly and efficient extension of key urban services and are consistent with the principles of compact and sequential growth.*

Under its present zoning, the mill site could be developed with between 60 and 70 residential lots. This amount could be increased if portions of the property were subsequently re-divided to avoid the application of the "large residential development" standards. The proposed code could allow up to 115 lots although physical limitations of the property would restrict the number to somewhere between 90 and 100.

The updated sewer treatment plant will have a capacity for a few dwellings more than currently served. However, the new plant is designed so that modules, accommodating between 8 to 10 dwellings, can be added to the plant as needed. It is understood that the developer would have to absorb the cost of these modules.

The city's water treatment plant has a capacity to serve up to 300 units. It is currently serving about 130 residences. The storage capacity of the city's current 200,000-gallon reservoir is adequate to serve a population of 410 but the new reservoir, estimated to be completed in March of 2008, will have a capacity to serve 450 homes or about 1170 people. The city's current population is 335 and the proposed development, at a maximum of 100 units, would add 260 people to this number. Also, the development of the subdivision that would be allowed by the proposed zone change would allow the development of a "loop" water system that would prevent all dwellings along the water line from losing water service when there is a problem at one location along the service line.

The City Council concludes that the proposed changes to the Westfir Land Development Ordinance will not result in a situation where applicable key urban services will not be able to provided through an orderly and efficient extension and are consistent with the principles of compact and sequential growth as outlined in the Westfir Comprehensive Plan.

LCOG

LANE COUNCIL OF GOVERNMENTS

99 EAST BROADWAY, SUITE 400
EUGENE, OREGON 97401-3111

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

DEPT OF

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AND DEVELOPMENT**

