

ORDINANCE NO. 505

AN ORDINANCE RELATING TO THE AMENDMENT OF THE URBAN GROWTH BOUNDARY OF THE CITY OF WILLAMINA, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of Willamina enacted Ordinance No. 475 on the 23rd day of April, 1979, which adopted the City of Willamina Comprehensive Land Use Plan; and

WHEREAS, Leon Alger has applied for an Urban Growth Boundary amendment to the City of Willamina Plan map for an 8.83 acre parcel more particularly described as Lots 30 and 31 of Willamina Orchard Tracts, Section 6, TWP6s, R6W; and

WHEREAS, the Intergovernmental Agreement between the City of Willamina and Polk and Yamhill Counties established the Willamina Urban Area Management Commission as the hearings officer for City of Willamina Urban Growth Boundary amendments; and

WHEREAS, the Willamina Urban Area Management Commission held a public hearing on May 19, 1981 and voted to recommend that the Willamina Comprehensive Land Use Plan be amended to include Lots 30 and 31 of Willamina Orchard Tracts, Section 6, TWP6S, R6W within the City of Willamina Urban Growth Boundary; and

WHEREAS, Section 17(h) of the Intergovernmental Agreement between the City of Willamina and Polk and Yamhill Counties states that the Willamina Urban Area Management Commission shall forward its findings and decision directly to the governing body of each jurisdiction which shall then make a determination based upon the facts and record presented at the Willamina Urban Area Management Commission hearing and shall not be required to hold a public hearing thereon; and

WHEREAS, the City Council of Willamina met on May 28, 1981 and voted to approve the Plan amendment based on the findings attached hereto as Exhibit A which by this reference are made a part hereof; NOW, THEREFORE

The City of Willamina, Oregon, ordains as follows:

Section 1. Comprehensive Plan Map Amendment. The City of Willamina Comprehensive Land Use Plan, adopted by Ordinance No. 475, is hereby amended to include Lots 30 and 31 of Willamina Orchard Tracts, Section 6, TWP6S, R6W within the Urban Growth Boundary.

Section 2. Emergency. Because there is an urgent need for the Urban Growth Boundary Amendment to remedy an existing hardship situation, and because the Polk and Yamhill County Boards of Commissioners must concur in the decision to amend the Urban Growth Boundary, the Council deems it necessary for the preservation of the health, welfare and safety of the City of Willamina that this Ordinance take effect at once; AN EMERGENCY IS HEREBY DECLARED TO EXIST, and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed by the City Council on this 28th day of May, 1981 by the following vote:

Ayes: Johnson, Greb, Carpenter, Smith

Nays: Godsey, Thornhill

Approved by the Mayor on this 28th day of May, 1981.

Francis C. Eddy
Francis C. Eddy, Mayor

ATTEST:

Judie Scott
Judie Scott, City Recorder

ORDINANCE 505

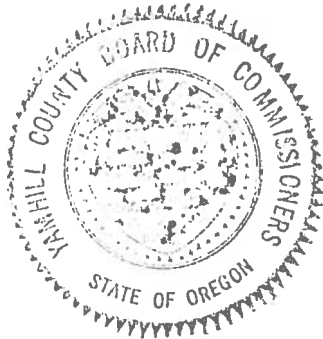
EXHIBIT A

FILM 165 PAGE 1377

The recommendations of WUAMC were based upon the findings and conclusionary findings for approval contained in the May 12, 1981 Yamhill County staff memorandum and the May 19, 1981 addendum to the staff memorandum. Additionally, the motion to approve the UGB request included the following findings:

- (1) The applicant has demonstrated a personal hardship which necessitates the UGB amendment;
- (2) The Intergovernmental Agreement between Willamina and Polk and Yamhill Counties requires annexation prior to the extension of City water or sewer facilities;
- (3) There are no indications of an adequate, available water source in the vicinity of the subject property;
- (4) The UGB amendment complies with Goal 14 factors and the Comprehensive Plans of Willamina, Polk County and Yamhill County;
- (5) A change in circumstances (degradation of the applicant's well) necessitates a change in the Comprehensive Plans; and
- (6) The 8.83 acres shall be annexed expeditiously to the City of Willamina.

Attached and also a part of this Exhibit A is the Yamhill County staff report of 5-19-81 and the staff memo addendum of 5-19-81.



STATE OF OREGON)
)
 County of Yamhill)

08774 13.00
 FILED
 COUNTY OF OREGON

I hereby certify that the
 within was received and duly
 recorded by me in Yamhill
 County records:

Nov 13 2 23 PM '81
 HANCOCK STERN
 CLERK
 DEPUTY

V.O.L. 165 Page 1375

ORDINANCE 505

EXHIBIT A

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ADDENDUM

Staff Memorandum
Willamina Urban Area Management Commission
May 19, 1981 - 7:30 P.M.
Willamina City Hall

Subsequent to sending out the staff report, additional information has been received that staff feels should be considered.

1. The County Assessor's Office has tract (or Lot) 31 listed as + 3.83 acres, and Tract (or Lot) 30 listed as + 5.00 acres. Staff used a figure of 3.96 acres for Lot 31 and the applicant used a figure of 3.86 acres. Staff recommendation is to use the Assessor's acreage figure.
2. Staff was given to understand that both the slaughterhouse and the applicant's residence were located on the smaller Lot (#31) and that together, the commercial operation and dwelling were located on two acres of land. Staff is submitting a sketch map submitted by the applicant indicating a different arrangement.

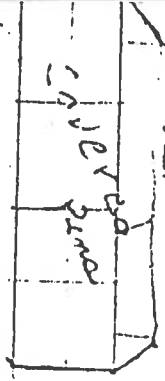
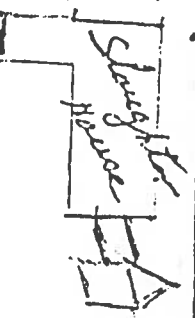
Based on additional and corrected information, the Commission must decide:

- a. Whether to include additional acreage for the UGB request;
- b. How proposed City water service ties in with Tract 31; and
- c. Appropriate corrections of the Staff memo and/or the conclusionary findings if more than 3.83 acres are considered in this request.

MC:vs

Attachment

Leon Alger



Tract 3D 500

Tract 31 3.96 ac.

Hwy 18

PROPERTY LINE

Enrich: Drawn
S property

SCHOOL DISTRICT
305 PROPERTY

SCHOOL

Shed Area

Roof Area

Yamhill Co. Planning Commission

5-11-81

Mid Summer 1980 Blasting was occurring on adjacent property belonging to District 30 water begin getting pratty and low volume. by late Fall situation was worse. and

Jan 14 was end of well. Complete cover in and we had to start transporting water from city of Willamina. Reason for wanting city water is because it is very difficult to get a good vein in this area. And it would be better for keeping a good quality water as it is necessary when you serve the public. we have 3 agencies that sample the water quality and it is important that we maintain that good quality.

Leon Alger

RECEIVED

MAY 13 1981

YAMHILL COUNTY DEPT. OF
PLANNING AND DEVELOPMENT

STAFF MEMORANDUM

Willamina Urban Area Management Commission
May 19, 1981 - 7:30 P.M.
Willamina City Hall

Request: To amend the Willamina Urban Growth Boundary to include 3.96 acres of a 8.96 acre parcel and to amend the Yamhill County Comprehensive Plan designation from Agriculture/Forestry Small Holding to Future Urbanizable Lands.

Location: Township 6S, Range 6W, Section 6, Lot 31 of Willamina Orchard Tracts, abutting Old Highway 18.

Applicant: Leon Alger.

I. Background Facts

A. Parcel Size: 3.96 acres out of an 8.96 acre parcel is proposed for inclusion within the Willamina UGB.

B. Comprehensive Plan Designation

1. Subject Property: AFSH (Agriculture/Forestry Small Holding)
2. Surrounding Properties:
 - North - AFSH (County)
 - South - Industrial (City)
 - East - AFLH (County)
 - West - Residential (City)

C. Zoning

1. Subject Property: AF-10 (Agriculture/Forestry, 10 acre minimum)
2. Surrounding Properties:
 - North - AF-10 (County)
 - South - Heavy Industry (County)
 - East - EF-40 (County)
 - West - R-1 (City)

D. Existing Land Use

1. Subject Property: Small meat processing plant and one residence.
2. Surrounding Properties:
 - North - Agriculture
 - South - Old Highway 18, U.S. Plywood Mill
 - East - Agriculture
 - West - New elementary school under construction immediately west of the subject property.

E. Public Facilities & Services

1. School District: Willamina 30J
2. Water: City of Willamina (proposed)
3. Sewage: septic tank
4. Fire: Willamina RFD

F. Site Analysis: The subject property is located on a bluff on the north side of Old Highway 18 and is bordered by the Willamina city limits and Urban Growth Boundary on the west. A small meat processing plant (Willamina Meat Co.) has been in operation at this location for more than 20 years.

Soils on the property are classified as Chehalem silty clay loam, with 3 - 12 percent slopes.

G. Description of Situation:

Mr. Alger operates a small slaughtering and meat processing plant which processes an average of 50 head of cattle per month per year and 40 hogs per month per year. The operation requires one part-time employee. The plant and pens occupy approximately 2 acres of land, and one well has served both the plant and the Alger residence. The well has produced an estimated 3-5 gallons per minute. While no formal substantiation has been supplied, it is supposed that the real source of water supply for the Alger well comes from surface springs on the adjacent school site.

During the late summer and early fall of 1980, Alger's well water volume was low enough to use river water to clean up the killing floors. Also during this time, construction activity, including blasting, grading, installation of drain systems and other basic construction work, was begun on the adjacent elementary school site. Alger spoke with the contractor concerning the blasting activity during the summer, and the contractor suggested that Alger contact the School District.

Sometime in late summer or early fall, the school construction activity also included installing a french drain in a marshy spot on the school site, in order to divert the spring and dry out that part of the site. According to Mr. Alger, Donn Mitchell advised against this, citing the spring area as the probable source of Alger's well water, but the drain was constructed anyway.

On January 14, 1981, Alger's well pump started sucking air and mud instead of water. The initial reaction was to assume the pump was no longer primed; however this was not the case. Alger pulled the foot valve on the pump, thinking it probably needed replacing. However, it was found that the pump had to be reset on a casing the now protruded from the ground. The casing was cut and the pump was re-installed.

After two days' wait, the pump was started, resulting in about a minute's worth of murky water, followed mostly by mud. Two days later, the same operation was done, resulting in mostly mud instead of water. By February 1, 1981, Alger felt that there was no question that the well was now dry.

Mr. Alger contacted Ron Pittman, a Willamina School Board member, who came and inspected the situation. Pittman related to Alger that the School District could consider an easement through school property to reach a main line for hookup to City water. Alger's part would be to have a survey done to accompany an easement agreement. Nothing was put in writing on this item, however.

A later conversation between Alger and the School District attorney established that the School District was agreeable to paying half of the costs of hooking up to City water, provided that Alger submit in writing a total and final amount of the cost. Alger has not submitted such a letter, because he is awaiting the outcome of the land use procedures concerning his situation, and because he also feels that the School District should fully compensate him for the loss of his well.

Mr. Alger is required to submit regular samples of his water for inspection because of a state requirement to have a good, potable water supply for his operation. Because of past poor water samples, Alger had installed a chlorination system on his well water system, which has effectively

assured him of a good, potable water supply. However, Alger believes that utilization of City water would consistently assure high water quality, would alleviate Alger's need to monitor his well system on a constant basis, and would be worth the extra cost for City water. Moreover, Alger is doubtful that another water source for a new well exists at a reasonable distance from the residence and the packing plant operation.

H. Comments by interested persons, public agencies:

Staff Findings

The applicant is requesting inclusion within the Willamina UGB to remedy a hardship situation. Mr. Alger contends that blasting and construction activities associated with the development of an elementary school on the adjacent parcel have effectively destroyed his well and water supply source.

The applicant is currently trucking water to his packing plant as an interim means of obtaining water to continue his business operation. As a long-term solution to the well degradation problem, the applicant is requesting inclusion within the Willamina UGB to allow an extension of city water service to his property.

II. Decision-Making Criteria

A. LCDC Criteria

The factors to be considered in the establishment and change of urban growth boundaries are provided in Goal 14 (Urbanization). These factors are presented below:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. The long-term environmental, energy, economic and social consequences to the locality, the region and the state as the result of allowing urbanization and not preserving and maintaining the land for agricultural uses, whichever is applicable;
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority;
7. Compatibility of the proposed urban uses with other adjacent uses; and
8. Demonstration that there are no alternative locations within the area which could better be used for the proposed use(s).

Staff Findings

The 3.96 acre parcel proposed for inclusion within the Willamina UGB is committed to an urban type of use. Because this parcel is already developed with a small meat packing plant and residence, it is assumed that it fulfills an existing need for housing, employment opportunities and commercial services.

Eight-inch (8") water and sewer lines will be extended to the new elementary school from Oaken Hills Drive. Mr Alger's residence and meat processing plant abut the eastern boundary of the elementary school site. Consequently, an extension of water facilities to serve Mr. Alger's property would represent an orderly provision of public facilities to serve an existing use.

The inclusion of a 3.96 acre developed parcel will not increase the supply of vacant, buildable land within the boundary. The UGB will continue to create pressures to increase densities and promote development near the existing urban area. Maximum efficiency of land uses within and on the fringe of the urban area will be accomplished by continued emphasis on in-fill development.

The proposed UGB amendment, extension of water facilities and continued operation of the meat processing plant would have beneficial environmental, economic and social consequences. Utilization of city water would assure the provision of a consistent, high-quality water source and would allow continued operation of the meat processing plant.

An LCDC-approved exception to Goal 3 was taken by Yamhill County for the subject property. Consequently, the meat processing plant has been recognized and documented as a valid non-agricultural use.

Parcels to the north and east of the subject property are designated for agricultural use on the Yamhill County Comprehensive Plan Map. An elementary school is under construction to the west of the subject property. The proposed UGB amendment will not alter the use of the subject property. Therefore, it is assumed that no land use compatibility problems will be introduced.

The subject property presents the most appropriate location for a UGB amendment because it encompasses an existing use rather than a proposed use. No other adequate sites for the meat processing plant exist within the UGB.

B. Willamina Comprehensive Plan

The Willamina Comprehensive Plan contains a number of policies which relate to an amendment of the Urban Growth Boundary, extension of public facilities, and industrial development. These include:

1. Land Use and Urbanization Goals & Policies

To provide for an orderly and efficient transition from rural to urban uses.

To ensure a compact urban growth pattern.

The City shall preserve lands for farm uses through the establishment of agricultural holding areas. When there is a demonstrated need for the conversion of land within an agricultural holding area, it will be redesignated for urban use.

Annexation of urbanizable land shall be based on consideration of orderly, economic provision for public facilities and services; availability of sufficient land for various uses to ensure choices in the market place; Willamina Comprehensive Land Use Plan goals and policies; and encouragement of development within urban areas before conversion of urbanizable areas.

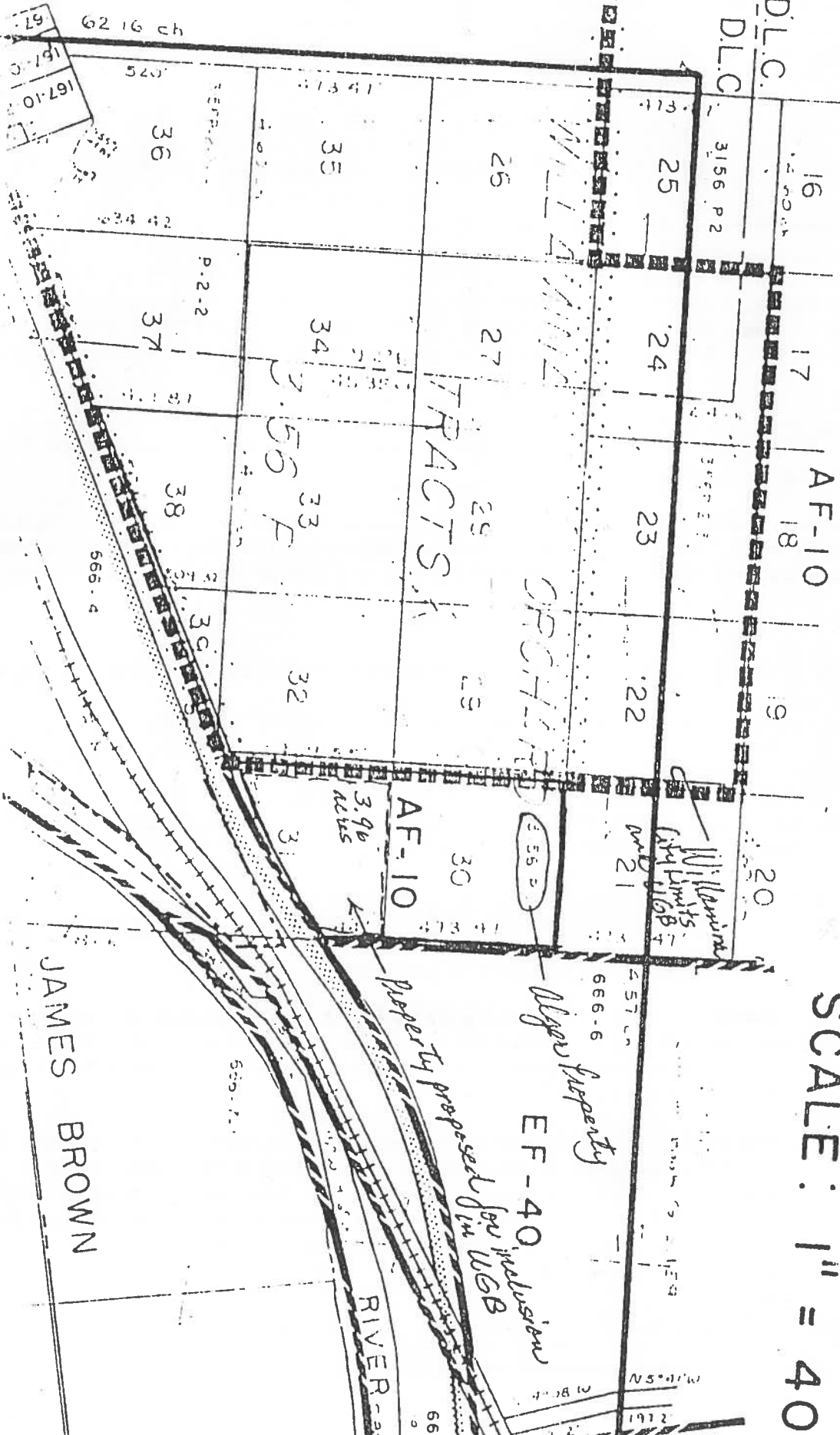
2. Public Facilities and Services Goals & Policies

To provide a timely, orderly and efficient arrangement of water, sewer and storm drainage services to the City.

SECTION

TWP. 6 S, R 6 E

SCALE: 1" = 40'



Comprehensive Plans.

3. Public Facilities and Services Goals & Policies

To develop a timely, orderly and efficient arrangement of public services and facilities to serve as a framework for urban and rural development.

Yamhill County will coordinate with the cities within its jurisdiction to provide an orderly phasing of water, sanitary sewerage, storm drainage and other public facilities and services within the urban growth boundaries.

Staff Findings

The Yamhill County Plan encourages the containment of urban development and public facilities within urban growth boundaries in order to achieve an efficient pattern of growth. Plan policies state that urban services shall not be extended beyond designated urban growth boundaries without concurrent amendments to the respective City and County Comprehensive Plan.

Yamhill County has taken an LCDC-approved exception to Goal 3 for the subject property. Given the circumstances of hardship and the location of the property relative to existing urban development and public facilities - the proposed UGB amendment is consistent with County urbanization and public facilities goals and policies.

III. Conclusionary Findings

The following conclusionary findings can be made in support of the proposed UGB amendment:

1. The UGB amendment cannot be justified on the basis of public need as required under factor 1 of Goal 14 (See page 3). However, the applicant has established a case for the UGB amendment to alleviate a private hardship.
2. Approval of the request to include the 3.6 acre developed parcel within the Willamina UGB would not amend the projected land needs for residential, commercial and industrial uses contained in the Willamina Comprehensive Plan.
3. Approval of the UGB amendment and annexation of the subject property to the City of Willamina would be consistent with Willamina Comprehensive Plan policies pertaining to Land Use & Urbanization, Public Facilities & Services and Industrial Development.
4. Approval of the UGB amendment would be consistent with Yamhill County Plan policies pertaining to Urban Area Development, City Growth and Development and Public Facilities and Services.
5. Approval of the UGB amendment and annexation of the subject property to the City of Willamina would maintain the integrity of City and County policies precluding public facility extensions beyond city boundaries and urban growth boundaries.

IV. Staff Recommendation

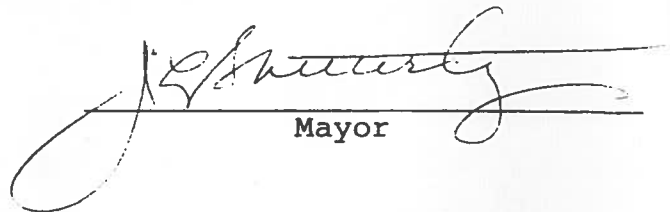
Based upon the applicant's need for a UGB amendment to remedy an existing hardship situation and upon the staff findings and conclusionary findings in support of the proposed UGB amendment, staff recommends approval of this request. If the UGB amendment is approved, staff also recommends that the applicant and the City initiate procedures to annex the subject property to the City of Willamina.

Passed by the Council this 14 day of April, 1983.

AYES: Thornhill, Worthington, Smith, Carpenter & Bushe

NAYS: _____

Submitted to and approved by the Mayor on the 10 day of April, 1983.



Mayor

ATTEST:

Handa M. Hobrey
City Recorder