



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 08, 2015
Jurisdiction: City of Adair Village
Local file no.: 150804
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/08/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-15 {23879}
Received: 10/8/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Adair Village

Local file no.: **150804**

Date of adoption: 8/4/2015

Date sent: 6/25/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): X

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Pat Hare, City Administrator

Phone: 541-745-5507

E-mail: pat.hare@adairvillage.org

Street address: 6030 William R. Carr Avenue

City: Adair Village

Zip: 97330-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from 0 to R-3 106.99 acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from 0 to R-3 Acres: 106.99
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: DLCD & BENTON COUNTY

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

COMP PLAN & ZONE MAP AMENDMENT of unzoned Municipal Property annexed to the City of Adair Village in 2010. Property was contained within the City's 2008 UGB that was previously Zoned EFU in Benton County. The selected R-3 Zone is an existing Residential Zone category in the Adair Village Land Use Development Code.



6030 William R. Carr Av.
Adair Village, OR 97330
541-745-5507

**NOTICE OF LAND USE ZONING
ADAIR VILLAGE CITY COUNCIL & PLANNING COMMISSION HEARING
REVIEW AND STAFF REPORT
July 7, 2015**

NOTICE OF LAND USE ZONING

The Adair Village City Council and Planning Commission will conduct a Joint Public Hearing on **August 4, 2015 at 6:00 pm at the Adair Village City Hall** located at 6030 William R. Carr Avenue for the following Land Use Zoning action. If you wish to have your comments on this proposal considered you may appear and testify at the scheduled Public Hearing at the Adair Village City Hall or you may respond in writing prior to or at the Public Hearing. Written comments should be delivered or addressed to the City Administrator, Pat Hare at 6030 William R. Carr Avenue, Adair Village, OR 97330 or may be faxed to (541) 745-5508 or may be eMailed to Pat Hare at pat.hare@adairvillage.org.

ANNEXED PROPERTIES TO BE ZONED – 106.99 acres

Owner: Santiam Christian School

Assessor Map: 10-4-29

Tax Lot: 400

AND

Assessor Map: 10-4-30

Tax Lot: 1401

Total Area: 64.84 acres

Owner: Dorothy A. Weigel Trust

Assessor Map: 10-4-31

Tax Lots: 205

AND

Assessor Map: 10-4-32

Tax Lot: 201

Total Area: 42.15 acres

Total Tax Lot Acres 106.99

Proposed Zone: Residential Zone – R-3

PROPOSED ACTION

The Proposed Action is a **Legislative Amendment** to the Adair Village Zoning Map to include the Annexed Properties described herein. In 2010 the City of Adair Village Annexed 127.5 acres of property located at the southern extent of the City that was added to the City’s Urban Growth Boundary in 2008.

The Annexed Property is not presently zoned within the City of Adair Village and therefore the proposed Zoning Map Amendment is technically not a change in city zoning. However the proposed use of the property will change requiring an amendment to the Adair Village Zoning Map. The Adair Village Zoning Map depicts all of the land use districts in the Comprehensive Plan and the Land Use Development Code.

APPLICABLE CRITERIA

1. **The Adair Village Comprehensive Plan and the Adair Village Land Use Development Code (Code)** provide the applicable criteria for evaluation of the requested action.
2. The following **Land Use Development Code Sections** apply to the proposed **Zoning Map Amendment**:
 - Code Section 1.170 (4) Administration of Zone Change Map Amendment**
City Council decision with Planning Commission recommendation
 - Code Section 2.700 Amendments**
 - (1) **Amendments initiated by the City Council or Planning Commission.**
 - (2) **Decision Criteria**
 - Code Section 3.200 (2) Legislative Decisions**
 - (2) **Have a ‘presumption of validity’.**
 - Code Section 3.300 (2) Legislative Notice**
Notification to Property Owners, the General Public and other Affected Agencies.
 - Code Section 3.520 Legislative Public Hearing Procedures**
 - (1) & (2) **CC & PC Hearing Required – May be a single Joint Hearing.**
 - Code Section 3.700 Appeal Provisions**
Issues must be raised at the Public Hearing or Appeal is not permitted.
3. **Code Section 3.600 Decision (6)**
A Notice of Decision shall be given to the Property Owners and Parties to the Hearing.
4. **The Adair Village Land Use Development Code (Code)** specifies development standards for property development:
 - Code Section 4.113** specifies development standards for the **Residential Zone R-3.**
 - Code Article 5 General Development Standards.**
 - Code Article 6 Use Standards.**
 - Code Article 8 Improvement Requirements.**

STAFF SUMMARY

1. The **Zoning Map Amendment** is in conformance with **The Adair Village Comprehensive Plan.**
2. The **Zoning Map Amendment** is in conformance with the existing **Land Use Zones** contained in the **Adair Village Land Use Development Code (Code)**
3. The **Zoning Map Amendment** is in conformance with the approval standards adopted as part of **Urban Growth Boundary** expansion and the **Annexation** approval process.
4. Municipal water and sanitary sewer is available. Access and capacity needs to be verified with the **City Engineer** and **Public Works Manager** as part of the **Building Permit** process specified in **Code Section 2.200. Code Article 5 General Development Standards** and **Code Article 8 Improvement Requirements** specify standards for development. Installations will conform to the **Adair Village Public Infrastructure Design Standards Manual.**
5. The **Zoning Map Amendment** properties drain generally from northwest west to southeast. It is the obligation of the **Zoning Map Amendment** area existing and future property owners to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. The property owners shall provide proper drainage and shall not direct drainage

across another property. Maintaining proper drainage is a continuing obligation of the property owners.

6. There are wetlands identified on the "**National Wetlands Inventory Map**" and the "**Local Wetlands Inventory Map**" for the Annexed property that require protection. There are no Flood Zones identified on the "FEMA Flood Insurance Rate Maps" for the Annexed property.

City Council and Planning Commission approval is contingent upon compliance with the Conditions of Approval unless there is written factual data presented in opposition at the City Council & Planning Commission Hearing that would alter the findings for approval of the request.

CONDITIONS OF APPROVAL

1. The **Zoning Map Amendment** shall comply with all of the applicable standards of **The Adair Village Comprehensive Plan** and the **Adair Village Land Use Development Code (Code)**
2. The following Land Use Zones shall be applied to the **Zoning Map Amendment**:
Residential Properties shall comply with **Code Section 4.113 Residential Zone R-3**.
3. The **Zoning Map Amendment** shall comply with the intent and approved standards of the adopted **Urban Growth Boundary** expansion and the **Annexation** approval process.
4. Municipal water and sanitary sewer is available. Access and capacity shall be verified with the **City Engineer** and **Public Works Manager** as part of the **Building Permit** process specified in **Code Section 2.200** and shall comply with **Code Article 5 General Development Standards** and **Code Article 8 Improvement Requirements**. All Installations shall conform to the **Adair Village Public Infrastructure Design Standards Manual**.
5. Future development shall comply with the fire protective standards administered by the **Adair Rural Fire Protection District**.
6. The **Zoning Map Amendment** properties drain generally from northwest west to southeast. The property owners within the **Zoning Map Amendment** area shall continue to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. Maintaining proper drainage shall be a continuing obligation of the existing and future property owners.
7. Existing Drainageways shall be protected and required drainage facilities shall be provided in conformance with State and City regulations.
8. Wetlands identified on the "**National Wetlands Inventory Map**" and the "**Local Wetlands Inventory Map**" for the **Zoning Map Amendment** properties shall be protected.

The Conditions of Approval shall apply to all properties contained in the **Approved Zoning Map Amendment Area**.

FINDINGS FOR APPROVAL OF THE REQUEST

1. The **Zoning Map Amendment** will comply with all of the applicable standards of **The Adair Village Comprehensive Plan** and the **Adair Village Land Use Development Code (Code)** subject to compliance with the **Conditions of Approval**.

2. The **Zoning Map Amendment** properties will comply with **Code Section 4.113 Residential Zone R-3** subject to compliance with the **Conditions of Approval**:
3. The **Zoning Map Amendment** will comply with the intent and approved standards of the adopted **Urban Growth Boundary** expansion and **Annexation** approval subject to compliance with the **Conditions of Approval**
4. Municipal water and sanitary sewer is available. Access and capacity will be verified with the **City Engineer** and **Public Works Manager** as part of the **Building Permit** process specified in **Code Section 2.200** and **Code Article Sections 5 General Development Standards** and **Code Article 8 Improvement Requirements**. Installation will conform to the **Adair Village Public Infrastructure Design Standards Manual** subject to compliance with the **Conditions of Approval**
5. Drainageways are protected and existing drainage facilities are in conformance with State and City regulations subject to compliance with the **Conditions of Approval**.
6. Wetlands identified on the "**National Wetlands Inventory Map**" and the "**Local Wetlands Inventory Map**" for the **Zoning Map Amendment** properties are protected subject to compliance with the **Conditions of Approval**

City Council and Planning Commission Decisions are based upon the individual merits of each application and does not establish a precedent for similar future applications.

Motion to Approve

Move to approve the proposed Adair Village Zoning Map Amendment applying the Residential Zone R-3 to the described properties contingent upon compliance with the Conditions of Approval contained in the Staff Report.

SECTION 4.113 RESIDENTIAL ZONE - R-3 (Amended ORD 2013-03)

- (1) **Purpose.** To provide areas suitable and desirable for higher density single-family residential use at a density of six point five (6.5) dwelling units per net residential acre. A net residential acre is 43,560 square feet of residentially designated buildable land excluding areas used, or intended for use, of public street right-of-ways, restricted hazard area, public open spaces and resource protected areas. Higher densities may be provided under the provisions of **Code Section 7.200, Planned Development** that can include a mixture of housing types and densities.
- (2) **Permitted Uses.** In an R-3 Zone, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:
 - (a) One single-family dwelling or manufactured dwelling per legal lot.
 - (b) Residential Care Homes for 5 or less people. As provided in ORS 197.660 - 670 and **Code Section 6.102**.
 - (c) Group Child Care Home for 12 or less children as provided in the applicable provisions of ORS 657 A and **Code Section 6.102**.
 - (d) Accessory buildings subject to the following standards:
 1. Accessory buildings shall not be used for dwelling purposes.
 2. Accessory buildings shall not be placed in a front or street side yard and shall be setback at least 5 feet from an adjacent side or rear property line.
 3. Accessory buildings are limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of **Code Section 2.400**.
 4. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the Conditional Use provisions of **Code Section 2.500** and the home occupation standards of **Code Section 6.101**.
 5. Boats, trailers, detached campers, recreation vehicles and similar recreational equipment may be stored on-site on a driveway or an improved surface, except in a front or side yard setback. Such vehicles shall not be used for human habitation. Temporary use of a Recreation Vehicle for guests is allowed for no more than ~~30~~four (4) consecutive days (as per 43.230 of the City's "Parking and Standing Vehicles" Code), Without a City Permit.
 6. Oversized vehicles including trucks, bus, motor home, campers or trailers utilized for personal use shall not be parked on a city street or right-of-way for more than 4 consecutive days without a city permit and commercial or vending vehicle street parking is not permitted, all in conformance with City Ordinance 2013-01.

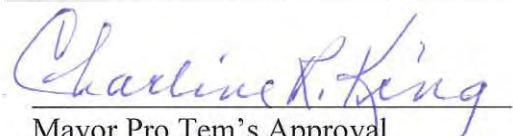
- (3) **Conditional Uses.** In an R-3 Zone, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Code Section 2.500** and the applicable Use Standards of **Code Article 6** or **Code Section 7.200**.
- (a) Multiple-family mixed housing types and higher density housing may be approved as a Conditional Use under **Code Section 7.200, Planned Development**.
 - (b) Home occupation in conformance with **Code Section 6.101**.
 - (c) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670 and **Code Section 6.103**.
 - (d) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A670 and **Code Section 6.103**.
 - (e) Public or semi-public uses.
 - (f) Agricultural Use in conformance with **Code Section 6.401**.
- (4) **Development Standards.**
- (a) Lots shall have a minimum lot size of 6,500 square feet unless approved under the Planned Development provisions of **Code Section 7.200** as a Conditional Use.
 - (b) No structure or use shall be established in a manner likely to disrupt or cause contamination of a stream, lake, or other body of water.
 - (c) Exterior street front yards shall have a minimum depth of 20 feet.
 - (d) Exterior street side yards shall have a minimum depth of 10 feet.
 - (e) Interior side yards shall have a minimum width of 5 feet.
For multiple family or row housing the Planning Commission may approve zero side yard setbacks under (3) (a) above.
 - (f) Rear yards shall have a minimum depth of 15 feet.
 - (g) Maximum building height shall be 35 feet.
 - (h) Manufactured Dwellings placed on individual lots outside of a Manufactured Dwelling Park shall comply with the standards of **Code Section 6.113**.

**ADAIR VILLAGE
CITY COUNCIL MINUTES Final
6030 William R. Carr Avenue
****Tuesday, August 4, 2015 – 6:00 PM******

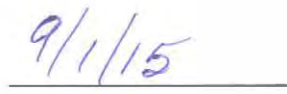
Agenda Item	Action
<p>1. Roll Call: Members present: Councilors Andrews and Canfield and Mayor Pro Tem King were present. Councilor Real was absent. CA (City Administrator) Pat Hare was present. Minutes were taken by Utility Clerk Kathy Edmaiston. Mayor Currier joined the meeting via phone at 6:27 PM.</p>	<p>Mayor Pro Tem King called the meeting to order at 6:22 PM.</p>
<p>2. Zoning 106.99 Acres of Annexed Property to Residential Zone R-3 (Agenda Item 6b). CP Driscoll presented a staff report regarding this issue during the Joint Public Hearing which took place preceding this City Council meeting.</p> <p>Planning Commission Chair Rowe stated to the Council that it was the Planning Commission’s unanimous recommendation for the Council to approve the stated R-3 Zoning.</p> <p>Mayor Pro Tem King received the recommendation for approval.</p>	<p>Councilor Andrews moved to accept the recommendation from the Planning Commission and to approve the proposed Adair Village Zoning Map Amendment applying the Residential Zone R-3 to the annexed property contingent upon compliance with the Conditions of Approval contained in the Staff Report.</p> <p>Councilor Canfield seconded.</p> <p>Unanimous Approval (3-0).</p>
<p>3. Consent Calendar (Agenda Item 3). Minutes of July 7, 2015 City Council Meeting. Bills List through July 22, 2015 (\$35973.28). Bills List through August 4, 2015 (\$29350.61).</p> <p>CA Hare informed the Council of a correction to the Minutes.</p>	<p>Councilor Canfield moved to approve the Consent Calendar with the correction to the Minutes.</p> <p>Councilor Andrews seconded.</p> <p>Unanimous Approval (3-0).</p>
<p>4. Public Comment. Dennis Mathis, 248 NE Azalea Drive, Adair Village, provided public comment. Bob Thayer, 280 NE Cherry Lane, Adair Village, provided public comment. Faye Abraham, 3122 NE Willamette Avenue, provided public comment. Gene Abraham, 3122 NE Willamette Avenue, provided public comment.</p>	
<p>5. Attachment H-Tim McGinnis, ServPro (Agenda Item 5). Tim McGinnis was not able to attend meeting. CA Hare presented the Council with a drawing provided by Tim McGinnis which illustrates the proposed layout of buildings on the property he is purchasing from Prince of Peace Church.</p>	
<p>5. Attachment C-Community Service Report (Agenda Item 4a) CSO Ken Real provided the CS report for July.</p> <ul style="list-style-type: none"> • Total hours worked - 84. • 4 old cases, 20 new cases, 18 closed. 	<p>Council received the report.</p>

<p>6. Attachment D-Public Works (PW) Report (Agenda Item 4b). CA Hare presented the report for July.</p> <ul style="list-style-type: none"> • Water production was 12.7 million gallons. • Flow through at the wastewater plant was 2.5 million gallons. • Public Works staff has taken hospital hill reservoir offline. Water loss has been almost cut in half. Public Works has been working with the local fire department and the City's engineers on this issue. • Staff and OAWU have been working together to create a samples list for moving forward. • Chemical pumps at the water plant were replaced. Staff is now looking to replace the chlorine scales that are not working properly. • Staff is working on renewing the wastewater solids permit with Republic Services. 	<p>Council received the report.</p>
<p>7. Attachment E-City Administrator's Report (Agenda Item 4c). CA Hare presented the report for July.</p> <p>Administration</p> <ul style="list-style-type: none"> • Audit – Draft of 2012 audit is complete and we are waiting for issuance. All in-house work on the 2013 audit is complete and is in compliance review. • The City will be going with Debbie Smith-Wagar for our accounting services. <p>Property/Businesses</p> <ul style="list-style-type: none"> • Sweet Taste Bakery – is doing well this summer. • Farm Foods Restaurant – is open for lunches and happy hour. <p>Major Projects/Engineering</p> <ul style="list-style-type: none"> • Water Management and Conservation Plan – The county had a few more questions about if we are going to have a plan to provide water outside of the City. We currently do not have any plans to do this. • Water Tanks – The City has made the federal priority list through IFA (Infrastructure Funding Authority). We now wait for the 30 day review public review process. Melissa Murphy, our representative, will be working on our environmental assessment during this time. • AVIS (Adair Village Industrial Site) Cleanup – Groundwater Study is under way. Final report is due in the fall. • Wastewater/Leachate – Oregon State University has completed phase one of the study. Civil West and the City are in the review process. • Water Rights – The City was told that we will be hearing soon from our partners. In the meantime, we have been inquiring with other jurisdictions. • Development – CA will be meeting with Lance Villers over the next two weeks to discuss the sale of a portion of their property. <p>Planning/Permits</p> <ul style="list-style-type: none"> • Commission – Will move forward with the Zoning Amendment for the southern UGB (Urban Growth Boundary) expansion area. • ServPro – Tim McGinnis prepared simple drawings of his proposed 	<p>Council received the report.</p>

<p>layout of the facility.</p> <ul style="list-style-type: none"> • Applications – none at this time. 	
<p>8. Attachment F- Benton County Sheriff's Office (BCSO) Report (Agenda Item 4d). ACA Hare presented the report.</p>	<p>Council received the report.</p>
<p>9. Attachment I-Cascade West Area Commission on Transportation (CWACT) (Agenda Item 6a). CA Hare presented documents from Cascade West Area Commission on Transportation (CWACT) regarding nominating representatives from the City of Adair Village who will be appointed as members to CWACT.</p>	<p>Mayor Currier moved to nominate Dusty Andrews as the primary representative to the CWACT and Pat Hare as the alternate representative to the CWACT. Councilor Canfield seconded. Unanimous Approval (4-0).</p>
<p>10. Council and Mayor Comments (Agenda Item 8):</p> <ul style="list-style-type: none"> • Councilor Andrews – None. • Councilor Canfield - None. • Mayor Pro Tem King – None. • Mayor Currier – None. 	
<p>Adjournment: Next meeting- Council meeting on Tuesday, October 6, 2015 at 6:00 PM.</p>	<p>Mayor Pro Tem King adjourned the meeting at 7:30 PM.</p>



 Mayor Pro Tem's Approval



 Date