



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 21, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

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



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: October 9, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Wanda Tobiassen, City of Adair Village

<paa>

PROF 2

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

<input type="checkbox"/> In person <input type="checkbox"/> electronic <input checked="" type="checkbox"/> mailed	
DATE ST A M P	DEPT OF
	SEP 19 2007
	LAND CONSERVATION AND DEVELOPMENT
	For DLCD Use Only

Jurisdiction: **City of Adair Village**

Local file number: **Ordinance No. 06-#2**

Date of Adoption: **February 28, 2006**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

- Amendment to City's acknowledged comprehensive plan. Addition of new growth management principles, environmental section, economy section, population of economy section, housing section, land use section, public facilities and services, transportation section and growth management section.**
- Amendments to the development code regarding density and addition of new zoning districts.**

Does the Adoption differ from proposal? Please select one **No**

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-07

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Wanda Tobiasen** Phone: (541) 745- 5507 Extension:
Address: 710 NW Wall St., P.O. Box 431 Fax Number: 541 -388- 5519
City: Bend Zip: 97709-0431 E-mail Address: jwentland@ci.bend.or.us

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 Complete Copies (documents and maps) 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. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CITY COUNCIL FOR THE
CITY OF ADAIR VILLAGE, OREGON

In the Matter of Amending the Comprehensive)
Plan and Development Code, and Declaring an)
Emergency.)

ORDINANCE NO. 06 -- #2

WHEREAS, the City of Adair Village did request and received funding from the State of Oregon to address planning concerns for updating the City's Comprehensive Plan and Development Code; and

WHEREAS, the City of Adair Village Planning Commission did spend approximately 3 years in developing new language to be incorporated into the City's Comprehensive Plan and Development Code; and

WHEREAS, the Planning Commission held numerous meetings over the course of the past 3 years to evaluate the issues and develop a response reflective of the State of Oregon and City of Adair Village standards; and

WHEREAS, the Adair Village Planning Commission did hold a public hearing on January 23, 2006 to receive testimony on the draft language; and

WHEREAS, the Adair Village City Council did hold a public hearing on February 20, 2006, to review the recommended language from the Planning Commission and found it to be in compliance with applicable statewide planning goals and guidelines and City criteria;

NOW, THEREFORE, THE CITY OF ADAIR VILLAGE ORDAINS AS FOLLOWS:

SECTION 1. COMPREHENSIVE PLAN. The City's Comprehensive Plan policies are hereby amended as follows:

SECTION 9.100 – INTRODUCTION: Add new Growth Management Principles (GMP)

GMP 1: Comply with state planning requirements. The City shall ensure the Comprehensive Plan and implementing ordinances fully comply with all State growth management policies and rules. These include, but are not limited to, economic development, protection of natural resources, providing for alternative transportation modes, and providing for a variety of housing types.

GMP 2: Accommodate 20-year population and employment projections and related land needs. The City shall provide adequate land within its urban growth boundary to address the 20-year demand for housing and jobs.

GMP 3: Establish urban reserve areas to accommodate growth projections beyond the 20-year planning horizon. The City shall consider the need and appropriate location for urban reserves in order to anticipate the long-term demand for employment needs and residential development.

GMP 4: Celebrate the unique history and character of Adair Village. The City's comprehensive plan shall reflect and build upon the community's unique identity and character. The City's rich history of military services distinguishes it from other small Willamette Valley towns. That history is reflected in the character of the city's buildings and the pattern of development. The design of future development should acknowledge this unique history as we implement a meaningful vision for the future.

GMP 5: Provide for a village center that is the heart of the city's civic life and is representative of the village's unique identity. Plans for the village center should reflect a "main street" character and development patterns appropriate to Adair Village. A town center should include the city hall, the post office and its major retail uses. It should also include higher density residential uses that complement and support the civic and retail activity.

GMP 6: Provide for a network of arterial, collector and local streets that avoid reliance on the state highway for local trips and disburse access to the highway to all available intersections. The City shall plan for a local street network that will enable residents to access important community destinations in a safe and direct manner and without relying on Hwy 99W for intra-city trips. The City shall consider the design of intersections at 99W to enhance the safety of motorists, especially turning movements, through signals, channelization or other design features.

GMP 7: Provide for a network of arterial, collector and local streets to provide a range of choices for traveling within Adair Village. The City shall ensure future development, including possible UGB expansion and urban reserve areas, is planned to include a complete and connected network of local and collector streets—at a scale appropriate to the City of Adair Village—that will provide the framework for long-term growth.

GMP 8: Promote alternatives to automobile use through street designs and a transportation network that facilitates safe and convenient bicycle and pedestrian travel. The City shall design new streets and retrofit existing streets (when they are part of new construction) to provide walkway, street tree and landscaping design that fosters and supports pedestrian safety and comfort. Where connected through streets are not feasible, bicycle and pedestrian paths should be provided to meet a minimum standard for

connectivity. Safe and convenient pedestrian and bicycle movements are particularly important because of the large number of school-age children in the community.

GMP 9: Ensure efficient urban development through compact pedestrian friendly development within natural and man-made boundaries. The City shall reduce existing minimum lot sizes and plan for neighborhoods that include a mix of housing types and lot sizes.

GMP 10: Protect natural resources and avoid development in known hazard areas. Adair Village lies within a wonderful natural landscape of hills, fields, creeks and ravines. To the north, east and south this landscape is virtually untouched. As Adair Village grows, these natural features should be preserved to provide opportunities for passive recreation and scenic views and to protect water quality and wildlife habitat

GMP 11: Utilize green infrastructure techniques for future utility and street improvements. New streets should be designed to manage their own stormwater to the extent practicable as a function of location, topography, and other conditions. Design streets to be self-mitigating, using "green street" design elements and criteria.

GMP 12: Encourage the City's large, significant institutional uses to be fully integrated with the community and the town center. Three large institutional ownerships (Santiam Christian School, Oregon Department of Fish and Wildlife, and the Labor Union School) lie in the path of future urbanization. These uses are beneficial to the City, but the current layout discourages infill development and an efficient street and pedestrian network. As these major parcels expand, re-develop, and are more fully incorporated in to the heart of the community, the City shall require designs that promote more efficient and integrated urban development. Also, the City shall fully integrate the "Block Building" into the community and town center.

SECTION 9.200 -- ENVIRONMENT:

New policy 1: Any expansion of the urban growth boundary will identify and classify existing natural conditions such as wetlands and riparian corridors that require preservation, protection, and restoration.

New policy 2: New development adjacent to rivers, stream, springs, or other waterways shall be protected by a buffer no less than 25 feet from the top of bank.

New policy 3: Significant large-scale trees characterize the City of Adair Village. The City shall work toward establishing a tree plan and inventory to protect significant trees that represent a contribution to the heritage of the City. The City shall work toward establishing a tree plan that identifies new locations for tree planting to provide the next generation of tree canopy for the City –including a program for street tree planting and maintenance.

New policy 4: Water resources shall be preserved wherever possible. Street standards shall be adjusted to accommodate programs for “green” infrastructure where possible.

SECTION 9.300 -- POPULATION AND ECONOMY

New policy 1: The City shall consider trends in household size and median age of residents as factors influencing the demand for services. The City will utilize a household per capita of 2.75 persons for future planning purposes.

New policy 2: The City of Adair Village will carefully manage and accommodate incremental population growth through expansion of the urban growth boundary and development of new lands in conformance with the Growth Management Principles.

New policy 3: Encourage the re-use, adaptation, and redevelopment of existing lots and buildings.

New policy 4: Encourage the development of all properties and lots within each urban expansion zone prior to development of vacant lands.

New policy 5: The City’s population projection for the 2026 shall be 2814.

SECTION 9.320 -- ECONOMY

New policy 1: The City of Adair Village will support, manage, and accommodate incremental economic growth through redevelopment of the core area as a Village Center in conformance with the Growth Management Principles and Comprehensive Plan Map. The Village Center shall be planned as a pedestrian-oriented district, characterized by:

- A central public open space that serves as the focus for civic activity and identity, including a village square, plaza, or green;
- Buildings with storefront character oriented to the street;
- Pedestrian-scaled physical elements that support an active streetscape, including benches, street lights, and trash receptacles;
- Street standards that reinforce the pedestrian-scale, including special intersection design and detailing;
- Street standards that reinforce the economic vitality of the Village Center by requiring on-street parking;
- Parking standards for new development that support an active streetscape, including parking located at the rear of new uses and provisions for shared parking;

New policy 2: The City of Adair Village will support, manage, and accommodate incremental economic growth through expansion by requiring neighborhood-scaled commercial development within walking distance of all new neighborhoods. A Neighborhood Center shall be planned as a pedestrian-oriented area, characterized by:

- Buildings with storefront character oriented to the street;

- Pedestrian-scaled physical elements that support an active streetscape, including benches, street lights, and trash receptacles;
- Street standards that reinforce the pedestrian-scale, including special intersection design and detailing;
- Street standards that reinforce the economic vitality of the Neighborhood Center by requiring on-street parking;
- Parking standards for new development that support an active streetscape, including parking located at the rear of new uses and provisions for shared parking.

SECTION 9.400 -- HOUSING

New policy 1: The City of Adair Village is committed to providing a full range of housing choices to its residents.

New policy 2: The City shall permit a range of development types consistent with the Growth Management Principles and Comprehensive Plan.

New policy 3: In order to guarantee the widest range of housing opportunities, the City shall permit a range of lot sizes and housing types.

New policy 4: In order to guarantee the widest range of housing opportunities, the City shall create a range of residential and mixed-use zoning categories that provide a choice in development.

~~**Delete current Policy 5:** "The Tampico Road area is identified as the City's primary long-range growth alternative and is particularly suited for future cluster housing which can include a variety of housing types in order to preserve open space and the natural resource values of the area."~~

SECTION 9.500 -- LAND USE

New policy 1: In order to guarantee the widest range of housing opportunities, the City shall create a range of residential and mixed-use zoning categories that provide a choice in development.

New policy 2: The City of Adair Village shall encourage each of the three major campus developments to implement and maintain a master plan for operation, renovation, or expansion as appropriate to the mission of the institution.

SECTION 9.600 -- PUBLIC FACILITIES AND SERVICES

New policy 1: Open space, green space, parks, pocket parks, and plazas shall be incorporated into the Village Center, Neighborhood Center, and all new residential development. The Comprehensive Plan goal is to provide 2.5-acres of open space for every 1,000 residents of Adair Village or approximately one new park for every 300 new

dwelling units. The City shall work toward establishing a citywide park master plan with the objective of setting aside sufficient lands for future parks.

New policy 2: The City shall require construction of new infrastructure that facilitate urban development and emergency response prior to – or concurrent with – development of new land within the Urban Growth Boundary.

SECTION 9.700 -- TRANSPORTATION

New policy 1: The City shall design new streets and retrofit existing streets to reflect the character, village scale, and development pattern of Adair Village. The City shall consider appropriate design details—curb-less streets and sidewalks that manage stormwater, for example—that reinforce the image, identity, and character of Adair Village.

New policy 2: The City shall design new streets and retrofit existing streets to be as safe as possible to pedestrians, drivers, and passengers through passive design features that limit excess speed and engage driver attention.

New policy 3: The network of sidewalks and pedestrian rights-of-ways represents an extension of the City's streets. The Comprehensive Plan shall establish a connectivity standard that facilitates pedestrian travel. Walking should be the convenient first choice for all trips under one-quarter mile in distance.

New policy 4: The network of streets shall also serve as a network for bicycle transportation. Bikes should be the convenient first choice for all trips under one-half mile in distance.

New policy 5: Provide for a network of collector and local streets to provide a range of choices for traveling within Adair Village.

New policy 6: The City shall establish standards for block length and/or perimeter, the use of pedestrian rights-of-way, and limitations on the use of dead-ends and cul-de-sacs. Revise the Comprehensive Plan to discourage cul-de-sac development and discontinuous streets. Where cul-de-sac development and discontinuous streets already exist, encourage the provision of through-block pedestrian and bike paths.

New policy 7: Establish a hierarchy of streets that provide connectivity for all residents and for all modes of transportation.

New policy 8: Adopt context-sensitive design standards from the AASHTO Green Book and the ITE Manual for Context Sensitive Solutions for the Design of Major Urban Thoroughfares as the primary criteria for street design.

SECTION 9.800 -- GROWTH MANAGEMENT

New policy 1: The City of Adair Village should accommodate a 20-year population and employment projections and related land needs.

New policy 2. The City shall provide adequate land within its urban growth boundary to provide an adequate supply of land for a 20-year demand for housing and jobs. In order to provide for an adequate future supply of buildable land, the City may establish urban reserve areas to accommodate growth projections beyond the 20-year planning horizon.

New policy 3: The City shall consider the need and appropriate location for urban reserves in order to anticipate the long-term demand for employment needs and residential development.

New policy 4: In order to provide for the efficient utilization of residential lands the City will provide for new minimum lot sizes that result in an overall average lot size of 6000 square feet.

SECTION 2. DEVELOPMENT CODE. The specific sections of the City of Adair Village Development Code are hereby amended to read as follows:

SECTION 1.170 ADMINISTRATION

(2)

- (a) The City Administrator shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code, which is subject to appeal to the City Planning Commission and City Council under the appeal process and payment of the appropriate appeal fee.
- (3) The Planning Commission shall have the authority to review and approve Site Plan Reviews for structures greater than 4000 square feet, Conditional Uses and Variances, and Subdivisions-under the provisions of this Code.

SECTION 1.200 Definitions

Property Line: The legal boundary of a lot or parcel.

- (a) **Front Property Line:** The lot or parcel line separating the property from a street other than an alley, and in the case of a corner property, the property line along a street other than an alley over which primary vehicular access is gained.
- (d) **Side Street Property line:** Any line adjacent to a street that is not a front property.

Residential Density: The number of dwelling units per acre of net land area excluding street right-of-ways.

SECTION 2.130 APPLICATION PROCEDURE

Following preliminary consultation and the pre-application conference, when applicable, the applicant shall prepare an application together with other supplementary data required to clearly describe the proposed development and the decision requested of the City. Applications shall be submitted to the City at least 30 days prior the review or hearing meeting.

- (3) A consolidated procedure shall be utilized by the City for applications that require more than one approval procedure for a development project. The City will identify and address all of the procedures concurrently and will utilize the most comprehensive procedure and decision process of those required in the application. The fee for the most comprehensive procedure plus one-half of all other fees shall be charged.
- (4) The applicant may be requested to provide the City with a list of property owners of record within 100 Feet of the property that is the subject of the review or hearing.
- (5) The last sentence shall read as: "A Review or Hearing will be scheduled to comply with the applicable legal time frame from the date the Application is deemed complete.
- (14) Expiration. Approved applications shall be void 2 years after the date of approval unless a building permit has been issued and substantial construction pursuant thereto has taken place, unless a specific time period was specified as a condition of approval. However, upon written request prior to the expiration date, the City may extend authorization for 1 year. Such extensions shall occur only upon findings the request does not violate any current code and upon acceptance of reasons for the delay. After the expiration period the application will be considered denied.

SECTION 2.150 RECORD FILE

- (1) Minutes of all meetings, reviews and hearings shall record the substance of all issues before the review or hearing body including the criteria, factual evidence and the justification for the decision as specified in Article 3. The minutes and records need not be a verbatim transcript of the meeting.

SECTION 2.310 PROPERTY LINE ADJUSTMENTS

- (2) **Application.** A property line adjustment may be submitted for review by the City Administrator without preliminary consultation, a land division conference, or a hearing where the adjustment complies with this Article.
- (3) **Information.** The applicant shall submit the proposed map of the property line adjustment together with other supplementary data required for recording or specified herein to the City for review and action by the City Administrator.

SECTION 2.313 DECISION PROCESS

- (2) If the proposed Property Line Adjustment is consistent with City land use standards, the City Administrator may approve the map as submitted, approve with conditions or deny the request for noncompliance.

SECTION 2.400 SITE PLAN REVIEW

- (3) (a) A Site Plan Review requires a "Limited Land Use Review" by the City Administrator or Planning Commission in conformance with Section 3.400. A Limited Land Use Decision requires notification to owners of property within 100 Feet of the subject property with an opportunity to submit written comments prior to the review and decision by the Planning Commission.
- (b) The City Administrator or Planning Commission may approve, disapprove, or modify and approve the Site Plan and attach any reasonable conditions to approval of a site development plan.
- (c) The City Administrator or Planning Commission may also call for a public hearing to receive testimony if it is determined that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood or the City.

SECTION 2.500 CONDITIONAL USES

- (2) (a) is Deleted and renumbered subsequent to that.

SECTION 2.700 AMENDMENTS

- (2) (c) The amendment will not have an undue adverse impact adjacent areas or the land use plan of the City.
- (d) The amendment will not have an undue adverse environmental impact.
- (e) The amendment will not have an undue adverse impact on public facilities.
- (f) The amendment will not have an undue adverse impact on transportation.
- (g) The amendment will not have an undue adverse impact on economy of the area.
- (h) The amendment is consistent with the intent of the applicable Statewide Planning Goals.

SECTION 2.800 ANNEXATIONS

- (2) **Decision Criteria.** Subsections (a), (b), (f) and (g) are hereby deleted and this section renumbered as follows:
- (a) The annexation will not have an undue adverse environmental impact.
- (b) The annexation will not have an undue adverse impact on public facilities.

(c) The annexation will not have an undue adverse impact on transportation.

SECTION 2.900 VACATIONS

This section states the procedures and criteria to permit the vacation of public lands not needed for municipal purposes, where it is consistent with the community Public Facilities and Services policies and goals. Ownership of vacated territory may revert to the original property or proportionally to the adjoining properties and become a part thereof, unless specified otherwise by the City Council. The City may also sell vacated property with preference given to adjoining property owners.

SECTION 3.200 TYPE OF DECISIONS

(4) Limited Land Use Decision

(b)

(Paragraph 2) A Limited Land Use Decision is a form of discretionary decision that does not require a public hearing and is not subject to the requirements of ORS 197.763 for quasi-judicial public hearings, but is subject to the requirements of ORS 227.173 for a review of the application.

(Paragraph 3) Examples of limited land use decisions in this Code that require a review by the Planning Commission include, but are not limited to, Subdivision and Site Plan Reviews for structures greater than 4000 square feet specified in Section 2.400. Examples of limited land use decision that may be conducted by the City Administrator include property line adjustments, land use partitions, and site plan review for structures less than 4000 square feet.

SECTION 3.700 APPEAL PROVISIONS

(1) Written notice of the appeal shall be filed with the City on forms provided by the City along with the applicable fee.

SECTION 4.010 CLASSIFICATION OF ZONES

For the purpose of this Code the following primary land use zoning districts are hereby established:

<u>Primary Zones</u>	<u>Abbreviated Designation</u>
Residential—Low Density	R-1
Residential—Medium Density	R-2
Residential—High Density	R-3
Commercial—Village Center	C-1
Commercial— Neighborhood	C-2
Limited Industrial	M-1
Educational Facilities	E-1
Public Use	P-1

SECTION 4.070 SIMILAR USE AUTHORIZATION

The City Administrator may permit a use not listed in this Code provided the use is of the same general type as the uses permitted in a particular zoning district. However, this section does not authorize the inclusion in a zone where it is not listed, a use specifically listed in another zone. The decision of the City Administrator may be appealed to the Planning Commission and City Council using procedures specified in Section 3.700 of this Code.

SECTION 4.080 NONCONFORMING USES

- (2) **Nonconforming Structure.** A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standards, may be altered or extended if the alteration or extension does not cause the structure to deviate from the standards of this Code or the existing nonconformity.
- (3) **Discontinuance of a Nonconforming Use.**
 - (a) If a nonconforming use involving a structure is discontinued from active use for a period of 1 year, further use of the property shall be for a conforming use unless approved by the Planning Commission via Conditional Use Permit.
- (5) **Destruction of a Nonconforming Use or Structure.** If a nonconforming structure or a structure containing a nonconforming use is totally or destroyed to an extent exceeding fifty-one percent (51%) of the assessed valuation of the structure by any cause, a future structure or use on the site shall be either in accordance with the provisions of the zone in which the property is located or the property owner may apply for a conditional use permit to continue with the existing use or to replace the structure in its present location.

SECTION 4.111 RESIDENTIAL ZONE - R-1

- (2)
 - (a) One single-family dwelling or manufactured home per legal lot.
 - (d) Accessory buildings subject to the following standards:
 - 4. Boats, trailers, detached campers, recreation vehicles and similar recreational equipment may be stored on-site except in a front or side yard setback subject to appropriate access permits, and shall not be used for human habitation. Temporary use of a Recreation Vehicle for guests is permitted for no more than 30 days.
- (4) **Development Standards.**
 - (c) Side street yards shall have a minimum depth of 10 feet.
 - (d) Interior side yards shall have a minimum width of 5 feet.
 - (e) Rear yards shall have a minimum depth of 15 feet.

- (h) Division of duplex lots constructed prior to may be partitioned into two single-family lots according to the standards contained in Section 6.105 and the land partition requirements of Section 2.300.

SECTION 4.112 RESIDENTIAL ZONE—MEDIUM DENSITY - R-2

- (2)
 - (a) One single-family dwelling or manufactured home per legal lot.
- (4) **Development Standards.**
 - (c) Front yards shall have a minimum of 20 feet.
 - (d) Interior side yards shall have a minimum width of 5 feet and side street yards shall have a minimum depth of 10 feet.
 - (e) Rear yards shall have a minimum depth of 15 feet.

SECTION 4.113 RESIDENTIAL ZONE—HIGH DENSITY - R-3

- (1) **Purpose.** To provide a mixture of housing types, within a context of streets and blocks that provides convenient walking and biking routes to the other parts of Adair Village, including the Village Center.
- (2) **Permitted Uses.** See Table 4.1-1
- (3) **Conditional Uses.** See Table 4.1-1
- (4) **Development Standards.**
 - (a) **Building placement.** A proposed building shall be placed on the lot in compliance with the following minimum setback requirements.
 - 1. Front setback - 15 feet, though garages shall be no less than 20 to a street or 6 feet to an alley.
 - 2. Street side setback - 10 ft.
 - 3. Interior side setback - 5 ft.
 - 4. Rear setback - 15 ft. or 5 ft. for an accessory dwelling unit or garage.
 - 5. For multiple family or row housing the Planning Commission may approve zero side and 6-foot front setbacks.
 - (b) **Building height and profile.** A proposed building shall comply with the following requirements.
 - 1. Height limit – 35 feet, or two stories unless approved in writing by the Adair Rural Fire and Rescue District Chief or Fire Marshall.
 - 2. Allowed building types - See Table 4.1-2.

SECTION 4.121 COMMERCIAL ZONE—VILLAGE CENTER - C-1

- (1) **Purpose.** The C-1 zone is applied to the area of Adair Village that is intended to become the pedestrian-oriented, mixed-use heart of the village. Appropriate building types include commercial, mixed-use, and live/work buildings, with ground floor space reserved for retail and services, with residential, and/or offices above. Buildings are placed primarily at the back of sidewalks, to reinforce the pedestrian orientation of the streets.

The City of Adair Village is endeavoring to promote a design and development concept or theme. All structures building permits for development within this zone shall be accompanied with written, pictorial or other documentation demonstrating compliance with this overall building theme. Approval of all designs shall be at the discretion of the City.

- (2) **Permitted Uses.** In a C-1 Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Sections 2.400 and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building:

For Permitted Uses, see Table 4.1-1

- (3) **Conditional Uses.** In a C-1 Zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 2.500:

For Conditional Uses, see Table 4.1-1

- (4) **Development Standards.**

- (a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.
- (b) There is no minimum lot area other than required to comply with the applicable development standards.
- (c) Front and side street yards shall have a minimum depth of 5-feet utilized exclusively for sidewalks, landscaping, and access drives.
- (d) Interior and rear yards shall be 0-feet, or at least 10 feet when abutting a residential use or zone.
- (e) No structure shall exceed 40 feet in height, or two stories unless approved in writing by the Adair Rural Fire and Rescue District Chief or Fire Marshall.

- (f) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
- (g) The site shall be landscaped and effectively screened from adjacent residential areas, as provided in Section 5.134.
- (h) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.
- (i) Artificial lighting, including illuminated signs and lights for parking areas, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.
- (j) No building permit for structures over 4000 square feet shall be issued within the C-1 Zone without Planning Commission approval of a Site Plan Review.
- (k) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the C-1 Zone.

SECTION 4.122 COMMERCIAL ZONE—NEIGHBORHOOD CENTER - C-2

- (1) **Purpose.** To provide small-scale, neighborhood-serving commercial uses within convenient walking distance of homes. Appropriate building types include mixed-use and live/work buildings, with ground floor space reserved for retail and services, with residential and/or offices above, and rowhouses.
- (2) **Permitted Uses.** In a C-2 Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Sections 2.400 and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building:

For Permitted Uses, see Table 4.1-1
- (3) **Conditional Uses.** In a C-2 Zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 2.500:

For Conditional Uses, see Table 4.1-1
- (4) **Development Standards.**
 - (a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.

- (b) There is no minimum lot area other than required to comply with the applicable development standards.
- (c) Front and side street yards shall have a minimum depth of 5-feet utilized exclusively for sidewalks, landscaping, and access drives.
- (d) Interior and rear yards shall be 0-feet, or at least 10 feet when abutting a residential use or zone.
- (e) No structure shall exceed 40 feet in height, or 2 stories unless approved in writing by the Adair Rural Fire Protection District.
- (f) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
- (g) The site shall be landscaped and effectively screened from adjacent residential areas, as provided in Section 5.134.
- (h) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.
- (i) Artificial lighting, including illuminated signs and lights for parking areas, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.
- (j) No building permit shall be issued within the C-2 Zone without Planning Commission approval of a Site Plan Review for structures over 4000 square feet or the City Administrator for buildings less than 4000 square feet.
- (k) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the C-2 Zone.



RECREATION, EDUCATION & PUBLIC ASSEMBLY

Commercial recreation facility—indoor	—	—	P	
Fitness/health facility	—	—	P	
Hiking or biking trail	P	P	P	
Library, museum, art gallery	—	—	P	
Meeting facility, public or private	CUP	P(2)	P(2)	
Park, playground, plaza	P	P	P	
School—Specialized education or training	CUP	P(2)	P(2)	
Studio—Art, dance, martial arts, music, etc.	—	CUP	P	
Theater—Cinema, performing arts	—	—	CUP	

RESIDENTIAL

Accessory dwelling unit (ADU)	P(3)	—	—	
Home occupation	P	P	P	6.101
Mixed use residential	—	P(2)	P(1)	
Multi-family dwellings	P	P	P	6.2.01
Residential care facility	CUP	CUP	—	6.103
Residential care home	P	—	—	6.102
Single-dwellings, attached	P	P(2)	P(2)	
Single-dwellings, detached	P	—	—	4.1.220

RETAIL

Bar, tavern, night club	—	—	CUP	
General retail—4,000 sq.ft. or less	—	P(2)	P	
General retail— More than 4,000 sq.ft.	—	CUP	P(2)	
Service station	—	—	P	
Restaurant, café, coffee shop	—	P	P	

SERVICES

Bank, financial services	—	—	P	
Bed and Breakfast	CUP			
Business support service	—	—	P	
Group child care center—13 or more children	—	CUP	CUP	
Group child care home—12 or fewer children	P	P	P	
Office—business, administrative, government, professional	—	P	P	
Personal services	—	P	P	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Parking facility, public or commercial	—	CUP	CUP	
Telecommunications facility	—	CUP	CUP	
Utility facility	CUP	CUP	CUP	

Notes to Table 4.1-1:

- (1) Use allowed only on an upper floor, or behind a ground-floor street-fronting use.
- (2) Required site plan review as per 2.400.
- (3) Maximum size of the accessory dwelling unit may be no more than 33% of the living area of the house or 800 sq.ft., whichever is less.

SECTION 4.1.300 BUILDING TYPE STANDARDS

Each proposed building shall comply with the requirements of this Section

- (1) **Building Frontage:** Attached single-family structures shall not exceed 4 units or 84 lineal feet of frontage along any street. Multiple family units shall not exceed 8 contiguous units or 100 lineal feet.

TABLE 4.1-2 - ALLOWED BUILDING TYPES, MINIMUM LOT AREA, MAXIMUM DENSITY



Single dwelling	<input type="checkbox"/>			3,800 sq.ft.	Max lot area shall not exceed 200% of zone minimum lot area	1 unit per lot
Single dwelling plus accessory dwelling unit (ADU)	<input type="checkbox"/>			6,000 sq.ft.		2 units per lot
Courtyard cluster	<input type="checkbox"/>			Varies as approved by the City		6 units per cluster, as approved by the City
Duplex	<input type="checkbox"/>			7,600 sq.ft.		2 units per lot
Rowhouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,200 sq.ft.		1 unit per lot
Live/work		<input type="checkbox"/>	<input type="checkbox"/>	1,200 sq.ft.		1 unit per lot
Mixed-use building		<input type="checkbox"/>	<input type="checkbox"/>	2,500 sq.ft.		1 or more units per lot, as approved by the City
Commercial building		<input type="checkbox"/>	<input type="checkbox"/>	N.A.		N.A.

Notes:

Key: = Building type allowed

(1) Allowed with conditional use permit.

The applicable criteria for amendments to the Comprehensive Plan and Development Code are regulated under Section 2.700 of the Development Code and provides as follows:

SECTION 4.141 EDUCATIONAL FACILITIES ZONE - E-1

(4) Subsection 4 is deleted.

(5) **Development Standards.**

- (c) No new, free-standing structure or additions to existing structures shall exceed 50 feet in height, or two stories unless approved in writing by the Adair Rural and Fire Rescue District Chief or Fire Marshall.

SECTION 4.151 PUBLIC USE ZONE - P-1

(3) Transfer of Ownership.

- (a) Whenever a P-1 Zone, or any part of a P-1 Zone, is transferred to private ownership, the P-1 Zone shall cease to apply and the owner shall initiate a Zone Change Amendment in accordance with the procedures of Section 2.700.

SECTION 4.211 PD DEVELOPMENT STANDARDS

- (3) Building Height.** Building height shall be no greater than for the underlying Zone unless the City Council finds that an exception is warranted in terms of the adjacent property protections and amenities proposed in the development.

SECTION 5.117 DRAINAGEWAY SETBACKS

All drainageways and watercourses shall have a minimum setback of 25 feet from the to of bank of the drainageway.

SECTION 5.122 ACCESS AND CLEAR VISION AREAS

- (1) Access: Every property shall abut a street other than an alley, for a minimum width of 12 feet, except where the City has approved an easement for access or where the easement existed prior to the adoption of this Code.

SECTION 5.123 STREETS

- (3) Right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill city specifications as provided for in Article 8 of this Code.
- (12) Deleted and the subsequent sections renumber accordingly.

SECTION 5.134 LANDSCAPING

- (4) Parking Areas.**
- (a) Parking lots shall be screened from abutting residential land uses by a combination of fences, walls, and landscaping adequate to provide privacy and separation for the abutting land use.

SECTION 5.136 SIGNS

Signs include any writing (including letters, words or numerals); emblem (including devices, symbols or trademarks); flag (including banners or pennants); identification displays (including objects, inflatables or balloons); or any other device used to inform, attract attention or advertise that is visible from a public right-of-way.

- (4) Permitted Commercial & Industrial Sign Standards**
- (e) One Freestanding Elevated Signs limited to Highway 99W frontage of a property not to exceed 20 feet in height or 100 square feet in area. Elevated signs shall have a minimum clearance of 8 feet in pedestrian areas and 15 feet over parking or drive areas.
- (5) Deleted.

SECTION 6.105 DUPLEX CONVERSION STANDARDS

Division of existing duplex properties in the R-1 Zone containing 2 dwelling units may be partitioned into two single-family parcels according to the following standards:

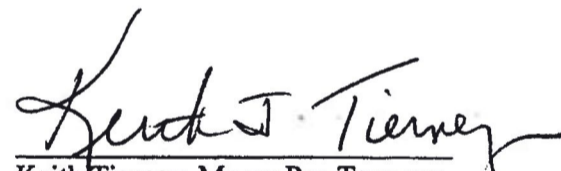
- (2) The applicant shall provide drawings and descriptive data of all required construction to comply with the State Building Code including but not limited to a cross section of the existing and proposed common wall(s) from foundation to roof parapet.

SECTION 3. EMERGENCY CLAUSE. This Ordinance being immediately necessary to protect the public health, safety, and general welfare, and to allow the application for an urban growth boundary to proceed and adopting this ordinance by emergency furthers this interest an emergency is declared, and this Ordinance shall take effect upon its adoption.

Passed by the City Council of the City of Adair Village this 28th day of February 2006.

Approved by the Mayor of the City of Adair Village this 28th day of February 2006.

APPROVED:


Keith Tierney, Mayor Pro-Tempore

ATTEST: 
Jim Minard, City Administrator

City of
Adair Village

6030 William R. Carr Avenue • Adair Village, OR 97330 • Phone: 541.745.5507 • Fax: 541.745.5508

DEPT OF

SEP 19 2007

**LAND CONSERVATION
AND DEVELOPMENT**

September 12, 2007

Mr. Larry French
Plan Amendment Specialist
Department of Land Conservation & Development
35 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Re: The Notice of Adoption

Dear Mr. French:

I am the contract planner for the City of Adair Village. The City of Adair Village City Council adopted Ordinance No. 06-#2 on February 28, 2006. It appears that the City inadvertently failed to mail the notice to DLCD. Since the ordinance's adoption, you have been contacted by Mr. Robinson and he confirmed that you were unable to find post-adoption notice provided by the City to the DLCD.

Enclosed with this letter is a DLCD notice of adoption form on green paper and a signed version of City of Adair Village Ordinance No. 06-#2. Please call me if you have any questions.

Very truly yours,


Wanda Tobiassen

Enclosures

cc: ✓ Mr. John Wyland
✓ Mr. Michael C. Robinson