



# Oregon

Theodore R. Kubongoski, 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

2/8/2010

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** City of Shady Cove Plan Amendment  
DLCD File Number 002-09

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

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Thursday, February 18, 2010

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

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

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

**Cc:** Margret Borgen, City of Shady Cove  
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N





FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

**DEPT OF**

**FEB 01 2010**

**LAND CONSERVATION  
AND DEVELOPMENT** Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *City of Shady Cove*

Local file number: *ZC 09-02*

Date of Adoption: *1/21/10*

Date Mailed: *1/28/10*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

*Amend the Comprehensive Plan and Zoning Ordinance to permit an R1-00 zoning district, the purpose of which is to provide a holding for properties that are changing from County to City Zoning, but have not yet been tested for facility adequacy to allow development to urban level densities and intensities.*

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: *N/A*

to: *N/A*

Zone Map Changed from: *N/A*

to: *N/A*

Location: *Properties in the Shady Cove Urban Growth Boundary* Acres Involved: *N/A*

Specify Density: Previous: *N/A*

New: *N/A*

Applicable statewide planning goals:

- |                                       |                                       |                            |                            |                            |                                       |                            |                            |                                       |  |  |  |                             |  |                             |                             |                             |                             |                             |
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|---------------------------------------|---------------------------------------|----------------------------|----------------------------|----------------------------|---------------------------------------|----------------------------|----------------------------|---------------------------------------|--|--|--|-----------------------------|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|

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. 002-09 (17821) [15965]





Mayor  
Ron Holthusen

*Councilors*  
Margaret Bradburn  
Leith Hayes  
Gary Hughes  
Bill Kyle

January 28, 2010

Plan Amendment Specialist  
Department of Land Conservation and Development  
635 Capitol Street, NE Suite 150  
Salem, OR 97301-2504

Re: City of Shady Cove Notice of Adoption

Please find enclosed the Form 2, Notice of Adoption, one complete paper copy of our Ordinances Nos. 253 and 254 regarding our adopted amendments. Our file number is ZC09-02. We have also included a CD with the documents as a pdf. If you have any questions, please call me at 541 878-8204.

Sincerely,

Margaret Borgen  
Deputy City Recorder

MB:mb

Encls

City of Shady Cove  
Ordinance No. 253

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON CREATING A R1-00 ZONE.

**Whereas**, the City of Shady Cove initiated a text amendment to the City Zoning Ordinance and a properly advertised Public Hearing was held before the Shady Cove Planning Commission on November 12, 2009, and the Planning Commission recommended approval of the amendment; and

**Whereas**, a properly advertised Public Hearing was held before the Shady Cove City Council on January 7, 2010, and upon conclusion of the public hearing the Council voted to amend the Comprehensive Plan.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:**

Section 7.2 (G) of Zoning Ordinance No. 225 is amended to read as follows:

Planned Unit Development, in accordance with Section 25, **except in R1-00.**

The preamble of Section 7.3 of Zoning Ordinance No. 225 is amended to read as follows:

**Except in R1-00**, the following uses and accessory uses are permitted in this district only when authorized by the Planning Commission in accordance with the Conditional Use Permit requirements contained in Section 21.

The second paragraph of Section 7.4 B of Zoning Ordinance No. 225 is amended to read as follows:

The following square footage requirements pertain to A net site area. @

R-1-6 - 6,000 S.F Lots

R-1-10 - 10,000 S.F Lots

R-1-20 - 20,000 S.F Lots

R-1-40 - 40,000 S.F Lots

**R-1-00 Existing Lot Size (Cannot be partitioned)**

Section 11 - Residential Property Development Requirements is amended as follows:

Standards	Low Density	Med. Density	High Density
Minimum Lot Size		6,000 S.F	6,000 S.F
R-1-6	6,000 S.F		
R-1-10	10,000 S.F		
R-1-20	20,000 S.F		
R-1-40	40,000 S.F		
<b>R-1-00</b>	<b>Existing Lot</b>		

Change from R1-00 to other R-1 zone

Type IV

Section 27

**PASSED AND APPROVED** by the Common Council of the City of Shady cove this 21<sup>st</sup> day of January, 2010.

Approved:



Ronald Holthusen  
Mayor

Attest:



Margaret Borgen  
Deputy City Recorder

City of Shady Cove  
Ordinance No 254

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE  
AMENDING THE CITY COMPREHENSIVE PLAN

**Whereas**, the City of Shady Cove initiated a text amendment to the City Comprehensive Plan and a properly advertised Public Hearing was held before the Shady Cove Planning Commission on November 12, 2009, and the Planning Commission recommended approval of the amendment; and

**Whereas**, a properly advertised Public Hearing was held before the Shady Cove City Council on January 7, 2010;

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:**

Section F, Policy #3 of the Shady Cove Comprehensive Plan, Public Facilities and Services Element, is amended to read as follows:


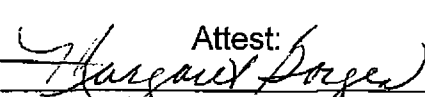
The availability and quality of public services, especially streets, sewers, and water will be considered in approval or denial of comprehensive plan amendments, zoning map changes, and land partitioning. ***Where public services have not yet been tested for adequacy to allow development to urban level densities and intensities, a holding zone (R1-00) shall be established for properties that are changing from County to City zoning.***

Section H, Land Use Table H-1 is amended, adding R1-00 to the zoning districts in the Low Density Residential land use designation.

The Existing Residential Zoning table in Section H is amended as follows:

<u>ZONE</u>	<u>DWELLINGS (potential average density)</u>
R-1-6	Six per acre – 6,000 sq. ft. lots
R-1-10	Four per acre – 10,000 sq. ft. lots
R-1-20	Two per acre – 20,000 sq. ft. lots
R-1-40	One per acre – 40,000 sq. ft. lots
<b>R1-00</b>	<b>One per existing lot.</b>

**PASSED AND APPROVED** by the Common Council of the City of Shady cove this 21<sup>st</sup> day of January, 2010.

Approved:		Attest:	
	Ronald Holthusen		Margaret Borgen
	Mayor		Deputy City Recorder

**From:**

City of Shady Cove

PO Box 1210

Shady Cove, OR 97539



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97301

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**To:**

Plan Amendment Specialist  
Department of Land Conservation  
and Development  
635 Capitol Street, NE Suite 150  
Salem, OR 97301-2504

**Ready Post.**

Cushion Mailer