



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

April 26, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Benton County Plan Amendment  
DLCD File Number 003-06

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: May 11, 2007**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Matthew Crall, DLCD Transportation Planner  
Peter Idema, Benton County

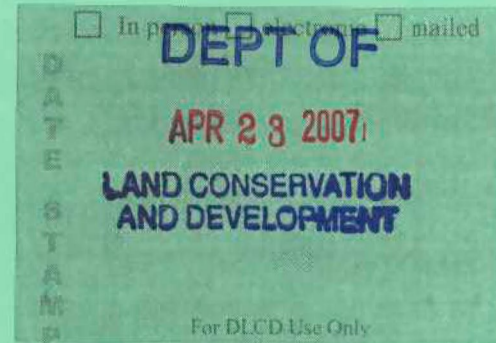
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PROP 2

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



Jurisdiction: **Benton County**

Local file number: **LU-06-025**

Date of Adoption: **4/17/2007**

Date Mailed: **4/19/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **5/1/2006**

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".

An expansion of the City of Adair Village's urban growth boundary by 142 acres to meet its 2026 population growth.

Does the Adoption differ from proposal? Yes, Please explain below:

The original proposal was for 169 acres. The applicant withdrew 27 acres along Crane Lane to reduce conflicts to adjacent farm uses and because the reviewing bodies determined that the applicant had not demonstrated that the entire 169 acres was needed.

Plan Map Changed from: **Agriculture**

to: **Open Space and Urban Residential**

Zone Map Changed from: **Exclusive Farm Use**

to: **Open Space and Urban Residential-50**

Location: **South of Adair Village between Crane Lane, Arnold**

Acres Involved: **142**

Specify Density: Previous: **EFU**

New: **OS and High Density**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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 # 003-06 (15070)

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**DLCD file No.** \_\_\_\_\_

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

Oregon Department of Transportation, Oregon Department of Fish and Wildlife, and Adair Rural Fire Protection District

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Local Contact: **Peter Idema, benton County**

Phone: **(541) 766-6019** Extension:

Address: **360 SW Avery Street**

Fax Number: **541-766-6891**

City: **Corvallis**

Zip: **97330-**

E-mail Address:

**Peter.d.idema@co.benton.or.us**

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## **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

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

In the Matter of Amending the Comprehensive )  
Plan Map and Declaring an Emergency )

**ORDINANCE NO. 07 – 01**

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, J.T. Smith, Inc., submitted an application to Benton County and the City of Adair Village for an amendment to the City of Adair Urban Growth Boundary (UGB); and

WHEREAS, the UGB amendment would add approximately 142 acres to the City of Adair Village UGB; and

WHEREAS, the UGB amendment would also require changing the Benton County comprehensive plan designation for approximately 118.2 acres from Agriculture to High Density Residential and approximately 24 acres to Open Space; and

WHEREAS, the UGB amendment would also require changing the applicable zoning for approximately 118.2 acres from Exclusive Farm Use (EFU) to Urban Residential (UR-50) and approximately 24 acres to Open Space; and

WHEREAS, the Benton County and City of Adair Village Planning Commissions held a duly advertised joint public hearing on June 26 and July 11, 2006 at which time the Adair Village Planning Commission voted to recommend approval of the application to the Adair Village City Council; and

WHEREAS, the Benton County Board of Commissioners and the City Council of Adair Village held a duly advertised joint public hearing on September 20, 2006, December 5, 2006 and Feb. 27, 2007 at which time the two bodies considered all testimony and materials submitted during the proceedings; and

WHEREAS the Adair Village City Council finds that the proposed UGB amendment, as well as the corresponding comprehensive plan and zone map changes, comply with the criteria of ORS 197.298, OAR 660-015-0000(14), Benton County Comprehensive Plan Chapter V and Benton County Development Code, chapter 53.505 and Section 2.700 of the Adair Village Development Code;

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

**Section 1.** This ordinance shall be known as "Amendment to the City of Adair Village Urban Growth Boundary."

**Section 2.** The Adair Village City Council has authority to amend the City of Adair Village Urban Growth Boundary, the Zoning Map and the Comprehensive Plan Map pursuant to the City of Adair Village Charter.

**Section 3.** The Urban Growth Boundary amendment, along with the corresponding Zone Map and Comprehensive Plan Map changes as requested in application to the City and County (File No. LU-06-025), as modified before the City Council, is hereby approved, based on the Findings of Fact and Conclusions contained in the attached Exhibit 1, which are incorporated herein as if fully set forth.

**Section 4.** The legal descriptions for the UGB expansion and Comprehensive Plan Map amendments are contained in the attached Exhibit 2, which are incorporated herein as if fully set forth.

**Section 5.** A map of the UGB Expansion Area is attached as Exhibit 3, which is incorporated herein as if fully set forth.

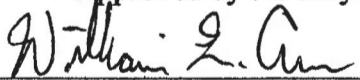
**Section 6.** The Benton County Comprehensive Plan Map is hereby amended to change 118.2 acres from Agriculture to High Density Residential and 24 acres to Open Space as shown on the attached Exhibit 4, which is incorporated herein as if fully set forth.

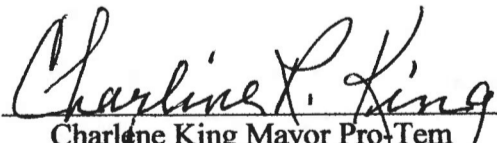
**Section 7.** The Benton County Zone Map is hereby amended to change the applicable zoning for 118.2 acres from Exclusive Farm Use (EFU) to Urban Residential (UR-50) and 24 acres to Open Space as shown on the attached Exhibit 5, which is incorporated herein as if fully set forth.

**Section 8.** 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 17<sup>th</sup> day of April 2007.

Approved by the Mayor of the City of Adair Village this 17<sup>th</sup> day of April 2007.

  
\_\_\_\_\_  
Bill Currier, Mayor

ATTEST:   
Charlene King Mayor Pro Tem



**I. Short Title.** This ordinance shall be known as “Amendment to the City of Adair Village Urban Growth Boundary.”

**II. Authority.** The Benton County Board of Commissioners has authority to amend the City of Adair Village Urban Growth Boundary, the Zoning Map and the Comprehensive Plan Map pursuant to ORS chapter 215 and the Benton County Charter.

**III.** The Urban Growth Boundary amendment, along with the corresponding Zone Map and Comprehensive Plan Map changes as requested in application no. LU-06-025, as modified before the Board of Commissioners, is hereby approved, based on the Findings of Fact and Conclusions contained in the attached Exhibit 1, which are incorporated herein as if fully set forth.

**IV.** The legal descriptions for the UGB expansion and Comprehensive Plan Map amendments are contained in the attached Exhibit 2, which are incorporated herein as if fully set forth.

**V.** A map of the UGB Expansion Area is attached as Exhibit 3, which is incorporated herein as if fully set forth.

**VI.** The Benton County Comprehensive Plan Map is hereby amended to change 118.2 acres from Agriculture to High Density Residential and 24 acres to Open Space as shown on the attached Exhibit 4, which is incorporated herein as if fully set forth.

**VII.** The Benton County Zone Map is hereby amended to change the applicable zoning for 118.2 acres from Exclusive Farm Use (EFU) to Urban Residential (UR-50) and 24 acres to Open Space as shown on the attached Exhibit 5, which is incorporated herein as if fully set forth.

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This Ordinance shall become effective on the 17<sup>th</sup> day of May 2007.

1<sup>st</sup> Reading: April 3, 2007  
2<sup>nd</sup> Reading: April 17, 2007  
Effective Date: May 17, 2007

BENTON COUNTY BOARD OF COMMISSIONERS

By Annabelle Jaramillo  
Annabelle Jaramillo, Chair

Linda Modrell  
Linda Modrell, Commissioner

Absent  
Jay Dixon, Commissioner

Approved As to Form:

Vanessa Loney  
County Counsel  
J. A. Bourque  
Recording Secretary



## EXHIBIT 1

### JOINT FINDINGS OF THE CITY OF ADAIR VILLAGE CITY COUNCIL AND BENTON COUNTY BOARD OF COMMISSIONERS

#### I. INTRODUCTION

This document supports Benton County Ordinance No. 2007-0216 and City of Adair Village Ordinance No. 07-01, which ordinances approve an amendment to the City of Adair Village Urban Growth Boundary (UGB) adding approximately 142 acres to the UGB. The Ordinance also approves related amendments to the Benton County Comprehensive Plan and Zoning Maps for the expansion area, changing the Comprehensive Plan designation for 118.2 acres from Agriculture to High Density Residential and 24 acres from Agriculture to Open Space, and changing the applicable zoning for 118.2 acres of the expansion area from Exclusive Farm Use (EFU) to Urban Residential (UR-50), and changing 24 acres from EFU to Open Space.

#### II. APPLICANT

The application was submitted by J.T. Smith Companies, Inc.

#### III. CITY AND COUNTY PROCEDURES

The Urban Growth Management Agreement between Adair Village and Benton County governs the coordination of joint post-acknowledgment plan amendments. Amending the UGB requires review and a decision conducted jointly by the City and County. An amendment may be approved, denied, or altered by mutual approval of both the City and County.

The applicant's consultant, OTAK, submitted the applications to Benton County and the City of Adair Village on March 3, 2006. On March 21, 2006 City and County staff met with the applicant's representatives and discussed what additional material was needed prior to deeming the application complete. A revised application was submitted on April 6, 2006.

A Notice of Proposed Plan Amendment was mailed to the Department of Land Conservation and Development (DLCD) on March 6, 2006 for a scheduled hearing date of April 24, 2006.

A public hearing notice was mailed on April 5, 2006 for a joint City and County Planning Commission hearing scheduled for April 24, 2006. A legal notice was also published in the *Gazette Times* newspaper on April 10, 2006.

On April 11, 2006, City and County staff met again with the applicant's representatives and representatives from DLCD and discussed the revised application, issues raised by the Oregon Department of Transportation, the proposed process for adoption, and the general requirements mandated by ORS Chapter 197.

On April 17, 2006, the applicant requested postponement of the April 24, 2006 hearing. Property owners were notified of this hearing cancellation. In accordance with City and County notification requirements, notice of the June 26, 2006 rescheduled public hearing was mailed on June 6, 2006. A legal notice was placed in the *Gazette Times* newspaper on June 9, 2006. The notification area was extended to include properties west of Highway 99W in the areas zoned Rural Residential and to persons whose properties were considered alternative sites.

The City and County Planning Commissions held a joint hearing on June 26, 2006 and continued the hearing to July 11, 2006. After considering the evidence and testimony the City Planning Commission voted to recommend approval of the application as modified to the City Council, and the County Planning Commission voted to recommend denial of the application to the County Board of Commissioners.

The City Council and County Board of Commissioners held a joint public hearing on September 20, 2006 where evidence and testimony was presented by the applicant and by other interested persons, and the record was held open for submittal of additional written materials. The hearing was continued to December 5, 2006 and February 27, 2007, on which dates the City Council and County Board of Commissioners considered all of the testimony and materials submitted during the proceedings and ultimately deliberated to a decision approving the application.

#### **IV. INCORPORATION OF DOCUMENTS**

The City Council and Board of Commissioners hereby adopt and incorporate by reference the consolidated staff reports dated September 6, 2006 and June 12, 2006, as well as the applicant's narrative dated March 3, 2006, correspondence from Brad Kilby at OTAK dated September 29, 2006, January 26, 2007 and February 7, 2007, as well as those additional documents specifically incorporated later in these findings. To the extent there are discrepancies between the incorporated materials and these findings, the express findings of the City Council and Board of Commissioners shall govern.

## **V. DESCRIPTION OF EXPANSION AREA**

The UGB expansion area contains approximately 142 acres directly south of the existing Adair Village UGB and Arnold Avenue, east of State Highway 99W, and west of the Southern Pacific Railroad tracks, as depicted on the attached Exhibit 2. The original application proposed a UGB expansion of 169 acres, but the proposal was modified during the course of the planning commission hearings to remove 27 acres at the southern end of the expansion area, immediately north of Crane Road. The property that is the subject of the UGB expansion is identified on County Assessor's map as: T10S-R4W-Section 29, Tax Lot 400; T10S-R4W-Section 30, Tax Lot 1400 and 1401; T10-4-Section 30D, Tax Lot 1501; T10S-R4W-Section 31, Tax Lot 205; T10S-R4W-Section 32, Tax Lot 201.

## **VI. GROWTH OF CITY OF ADAIR VILLAGE**

During World War II, Camp Adair served as an Army training camp and hospital with a population that ranged between 40,000 and 50,000 soldiers. After the war, the Army camp was dismantled. Camp Adair became the U.S. Air Force base Adair Air Force Station in 1957 and served as the headquarters of the Portland Air Defense Sector during the height of the Cold War. Many of the existing structures in the City date from this period of time.

When the Air Force closed the Camp Adair Base in 1969, the Federal government granted the land and deeds to several new owners. The base housing was sold to a private developer who subdivided the area now known as Adair Meadows. The remaining parcels were deeded to the Oregon Game Commission and Benton County and to the Oregon Southwest Washington Laborers Training Trust (OSWLTT) and the Chicano-Indian Study Center of Oregon. Transfer of the title for these lands came with deed restrictions, including restrictions that limit development to public and educational use. Although these restrictions have resulted in successful public and educational programs at Santiam Christian School, OSWLTT, and the Oregon Department of Fish & Wildlife (ODF&W), the challenges arising from these deed restrictions have become apparent as the City looks to its future growth needs and expansion of the UGB.

Santiam Christian School operates a private K-12 school in the central southern part of Adair Village. The school has engineered a land transfer of almost 80 acres from the adjacent ODF&W property. The conditions of this transfer of land remove the deed restriction on development, making it possible for the City of Adair Village to expand to the south and east of its current limit of Vandenberg Avenue. The school has plans to expand onto a portion of this land for the purpose of constructing athletic

facilities. The remainder of the site – approximately 50 acres – would be available for residential development.

Because of the Santiam Christian School project, coupled with the recent, rapid residential growth, the City Planning Commission expressed its interest in taking a broad look at growth pressures in the City and examining the related planning issues. The Commission's intent was to be proactive in addressing the expected growth pressures and demands, rather than reactive.

Located less than ten miles north of Corvallis, Oregon, the City of Adair Village has been long considered as part of the Corvallis area. Indeed, the City of Adair Village has a Corvallis zip code and is a member of the Corvallis Area Metropolitan Planning Organization. Development over the past several years in Adair Village has added 124 new homes, increasing the population by almost 50 percent from nearly 600 in 1998 to 905 in 2005. This level of growth was unprecedented in the City's history, which had seen only about 10 new dwellings constructed in town during the previous 25 years.

This growth and development has consumed almost all of the available land within the UGB. Through a Transportation and Growth Management grant, the State of Oregon retained OTAK in 2001 to work with the City to identify development issues and provide a guide for growth over the next 20 to 40 years. That report was completed and accepted by the Adair Village City Council in 2003 and provided a framework for the community to consider in updating its UGB, comprehensive plan, and development code.

In 2005 the State retained the Urbsworks team to investigate urbanization alternatives for the City of Adair Village that would avoid reliance on Highway 99W for local trips. As part of that study a factual basis was developed to identify and justify expanding the City's UGB and take the OTAK study from guidelines to implementation.

The Adair Village Planning Commission served throughout the project as the primary source of information and they tested each draft document for consistency with their vision for Adair Village. The result of this work to date is the City's recently adopted Comprehensive Plan and Development Code amendments. These amendments now provide the City with the policy and implementing ordinance language to address the future development of City of Adair Village and the expansion of the UGB.

HB 2709, as codified at ORS 195.036 requires Benton County to establish and maintain a population forecast for the County and to coordinate this forecast with

local governments. In 1999 the Board of County Commissioners adopted population forecasts for the unincorporated and incorporated areas. This was embodied within Ordinance No. 99-0149. The projected population growth for the City of Adair Village was 1 percent per year with a 2020 population allocation of 913.

Based on much higher actual population growth, on September 23, 2003 Adair Village Mayor Craig Bartlett submitted a letter to the Benton County Board of Commissioners with a request for a population reallocation of 1,500 persons by the year 2020. In his letter, Mayor Bartlett stated that the City anticipated all residential lands within the City would approach the current 2020 population projection of 913 persons by the end of the calendar year. In response to this request, in 2003 the Benton County Board of Commissioners agreed to adjust the population forecast for Adair Village by increasing the 2020 forecast by 1,187 persons, to 2,100.

In 2006, Adair Village submitted a formal request to the Benton County Board of Commissioners for a new 20-year population projection, this time to the year 2026. On March 14, 2006 the County adopted Order D2006-037, providing the Adair Village with an estimated 2026 population of 2,814 persons, based on the previously approved 2020 population of 2,100 and a 5-percent rate of growth.

## **VI. APPLICABLE STANDARDS AND CRITERIA**

This application involves an amendment to the Adair Village UGB and related map amendments. The UGB amendment is governed primarily by Statewide Planning Goal 14 and implementing rules at OAR 660 Division 4, as well as ORS 197.298. As discussed in more detail below, the amendments must also demonstrate compliance with certain provisions of the City and County Comprehensive Plans and Development Codes.

In these findings, applicable standards and criteria are set forth in bold-face headings and/or italicized type followed by the findings including facts, reasons and legal conclusions. These findings are organized so that the analysis begins with state law and proceeds to local law. Thus, the next section deals with the Statewide Planning Goals and their implementing administrative rules, followed by a section addressing applicable statutes and their implementing administrative rules. Those sections are followed by sections addressing applicable standards and criteria from the City and County Comprehensive Plans and local land use regulations. Often the same or similar criteria are found in more than one source. These findings attempt to minimize repetition and redundancy, using cross-references where possible and adding or repeating material only where necessary.

## **VII. STATEWIDE PLANNING GOALS**

The Board and City Council find that the requested amendments are consistent with all of the applicable Statewide Planning Goals, as addressed below.

### **A. Goal 1 - Citizen Involvement**

Goal 1 requires local government to develop a citizen involvement program to ensure the opportunity for citizens to be involved in all phases of the planning process. Because Goal 1 establishes a requirement for local government to develop a program, it is not directly applicable to this decision. However, the city and county have adopted citizen involvement plans that are acknowledged by the Land Conservation and Development Commission. The hearings and local review process for this application has been governed by that acknowledged program. For this particular request, multiple public hearings have been held by the county. The Board and City Council find that Goal 1 has been met generally by the county and specifically in this instance.

### **B. Goal 2 - Land Use Planning**

Part I of Goal 2 requires the establishment of the land use planning and policy framework as a basis for all decisions and actions. Part II of Goal 2 relates to the exception process that must be followed when an applicant or local jurisdiction requests an exception to a Statewide Planning Goal. The first part of Goal 2 has been met by acknowledgement of the City and County Comprehensive Plans by LCDC. Regarding the second part of Goal 2, the applicable rule governing the exception process at OAR 660-004-0010(1)(c) provides that a goal exception is not required for the amendment of an established UGB.

### **C. Goal 3 – Agricultural Lands**

Goal 3 relates to the preservation of agricultural lands. Agricultural land in western Oregon is land of predominantly Class I, II, III, and IV soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.

Although the subject property does not contain any Class I soils, those that are present are all classified as high-value farm land. The property is currently in grass seed production. The proposed expansion area includes several manmade barriers that would buffer residential uses from existing agricultural activities. The impact of redesignating the property for residential uses should not impact the ability of adjacent farm uses to maintain viable operations.

The UGB amendment at issue involves the urbanization of agricultural lands, and compliance with Goal 3 is achieved through the application of Goal 14 and applicable rules governing expansion of the UGB. Under OAR 660-004-0010(1)(c), an exception to Goal 3 is not required for the amendment of an established UGB

**D. Goal 4 – Forest Lands**

Goal 4 relates to the preservation of forest lands. The UGB expansion area does not impact forest lands, and Goal 4 is therefore not applicable. The site is adjacent to the OSU Research Forests to the west. However, that forest land is separated from the expansion site by Highway 99W, an effective buffer to any potential conflicts between forest and urban uses.

**E. Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources**

No inventoried Goal 5 natural resources (wetlands, riparian areas, wildlife habitat, etc.) are present within the expansion area. The property does include some wetlands and drainage corridors. These areas have been delineated and surveyed and will be required to satisfy the protection and preservation requirements of the respective jurisdiction at the time that the properties are developed. The proposed amendments are consistent with Goal 5.

**F. Goal 6 – Air, Water and Land Resources Quality**

Goal 6 addresses waste and process discharges from future development and requires local governments to determine that the future discharges, when combined with existing development, would not threaten to violate or violate applicable state or federal environmental quality statutes, rules and standards. The amendments at issue does not implicate Goal 6.

**G. Goal 7 – Area Subject to Natural Disasters and Hazards**

A portion of tax lot 205 (T10-R4W-Section 31) is located within the mapped floodplain of Calloway Creek. This narrow band of floodplain along Calloway Creek

can be accommodated in planning and developing the area. The area up to the creek has been farmed and degraded. The area above the bank does not appear to be susceptible to land movement or other hazardous land conditions. In the event of future development, the governing jurisdiction will require mitigating measures in, and construction in, the area to be consistent with local and federal regulations that are applicable to development in any floodplain. No other hazards exist in the expansion area. The proposed amendments are consistent with Goal 7.

#### **H. Goal 8 – Recreational Needs**

The expansion area is not identified as a recreational resource by the county, and Goal 8 is not applicable.

#### **I. Goal 9 – Economic Development**

Goal 9 requires that local government provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of the citizens of Oregon. The proposed amendments will result in development that contributes to the state and local economy by providing for housing and commercial activities that would help the City of Adair Village grow economically. The Board and City Council find that the amendments are consistent with Goal 9.

#### **J. Goal 10 – Housing**

Goal 10 requires local governments to provide for housing needs, and to inventory buildable lands for residential use. The proposed amendments will provide buildable lands for housing purposes. The starting point for the Adair Village UGB expansion request is based on the estimated number of new residents during the 20-year planning period and the projected residential land need to accommodate that population. Under Oregon law, this number must be coordinated between Adair Village and Benton County. The 1998 "coordinated" population projection for the City of Adair Village was a projected population of 913 people in the year 2020.

The Center for Urban Population at Portland State University established the City's population at 870 by July 2004. According to the US Census statistics and the numbers provided by the Center for Urban Population at Portland State University, the population of the City of Adair Village increased by approximately 62 percent over the four-year period of 2000 through 2004.

In response to the rapid growth being experienced by the City, Otak, Inc. was hired through a state TGM grant to prepare the Adair Village Town Plan Study. The study projected a population of 2,100 for Adair Village in the year 2020 and called for



an expansion of the UGB amendment to accommodate the growth. The population projection was adopted by the Benton County Board of Commissioners and the City of Adair Village Council in 2003.

In 2006, Adair Village submitted a formal request to the Benton County Board of Commissioners for a new 20-year population projection, this time to the year 2026. On March 14, 2006 the County adopted Order D2006-037, providing the Adair Village with an estimated 2026 population of 2,814 persons, based on the previously approved 2020 population of 2,100 and a 5-percent rate of growth.

There is a demonstrated need for additional land for housing to insure appropriate types and amounts of land are provided in the urban growth boundary. Additional residential land is needed to provide for adequate numbers of needed housing units to allow for flexibility of housing location, type, and density. The subject property contains unique qualities that make it the best location to meet the identified need as discussed below.

The Board and City Council find that the UGB expansion is consistent with Goal 10 because it will provide enough land to accommodate the projected 2026 population of 2,814 people.

In demonstrating the amount of land needed, the applicant took into consideration the following facts, which are accepted and adopted by the Board of Commissioners and the City Council: (a) the City of Adair Village desires to maintain an overall average lot size of 6,000 square feet per unit; (b) up to 20 to 25 percent of the land that would be brought into the UGB would be utilized for resource protection and rights-of-way; (c) approximately 24 acres of the proposed expansion area would be dedicated to sports fields or other educational/open space facilities for Santiam Christian School and not dedicated to residential uses.

As explained in correspondence from OTAK dated September 29, 2006, the current (2005) population of the City of Adair Village is 905. The projected population in 20 years is 2,814, which is an additional 1,909 people. In order to accommodate an additional 1,909 people over the next 20 years, at the accepted average household size of 2.75 persons per household, 694 additional homes are needed.

The Board and City Council accept the evidence in the record submitted by OTAK and the applicant, which establishes that in order to provide 694 housing units at the city's average lot size of 6,000 square feet would require 118 gross acres, which results in 95 net developable acres. In order to provide the necessary sports fields for

the Santiam Christian School, 24 additional acres are required, which results in 142 gross acres total.

The UGB expansion is necessary to accommodate the housing needs of the projected population of 2,814 people for the City of Adair Village over the next 20 years and is consistent with statewide planning Goal 10 (Housing).

**K. Goal 11 – Public Facilities and Services**

Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The applicant has established that necessary public services are available.

The proposed amendment to expand the UGB and rezone the properties for residential development will require the expansion of public facilities and services to accommodate development. The intent of Goal 11 is to provide for the necessary public facilities and services for accommodating urban development, and the expansion of these services would not be in conflict with this goal. The Board and City Council adopt the following assessment of utilities provided by the city manager.

**Water:** The Adair Village Water Treatment Plant was originally constructed in 1942 by the Army to serve 50,000 service personnel at the Camp Adair Army Base. The original design capacity was 8 million gallons per day (MGD). The plant is currently treating 0.4 to 0.6 MGD with part-time operation on two or three days a week. Only half of the original filter area is in use. The Oregon Health Division has limited the maximum treatment capacity of the plant to 1,600 gallons per minute (gpm) or 2.304 MGD in its current state. This is the approximate maximum intake flow that can be delivered to the plant with both raw water pumps on. The City has approximately 1.75 million gallons of water storage to meet domestic and fire suppression demands. This is comprised of Voss Hill Reservoir (1.0 MG), Hospital Hill Reservoir (0.50 MG), and the Water Treatment Plant clear well (0.25 MG). The City's water system is sufficient to accommodate the expansion.

**Wastewater:** HGE, Inc. completed a Wastewater Facilities Plan Supplement in 1990. Phase I improvements were made to the plant in 1991 and 1992. Phase II improvements were constructed in 1994. Phase I improvements consisted of a collection system lining, two new pump stations, and 20,000 lineal feet of an 8-inch pressure main for discharge to the Willamette River. Phase II improvements consisted of upgrades to the wastewater treatment plant, construction of the holding pond, installing an irrigation system for summer discharge of stored effluent, and

construction of an effluent pump station. In November 1994, HGE, Inc. completed a performance evaluation of the constructed improvements. Portions of the treatment plant design data used in that evaluation are shown in the table below. The evaluation concluded that a projected population of 1,775 in 2010 could be served by the constructed sewerage treatment facilities.

Item	Present	Design (Year 2010)
Population	870 <sup>1</sup>	1,775
Avg. Dry Weather Flow, GPD	57,000	115,000
Peak Monthly Flow, GPD	82,800	167,000
Peak Daily Flow, GPD	171,000	346,000
Peak Instantaneous Flow, GPD	268,000	543,000

Improvements to the City's wastewater system would have to be planned and completed prior to exceeding the capacity. Mechanisms such as System Development Charges (SDC) and direct developer contributions can finance new facilities. Capital funding for maintenance projects, such as I/I reduction, can be developer and user financed.

**Stormwater:** Section 5.126 of the City's Land Development Code requires new developments to provide proper drainage and protect all runoff and drainageways from disruption or contamination. Drainage controls shall be designed to regulate surface water run-off into receiving streams, drainage facilities, or onto adjoining properties. Controls may include, but are not limited to: (1) detention ponds, swales or storage cells; (2) minimization of impervious surfaces; (3) use of open greenway drainageways; (4) flow controls; or (5) offsite stabilization of drainage channels.

The City has sufficient water to meet its 20-year population needs. The City is developing a Wastewater Master Facility Plan that will provide an assessment of needs and a finance plan to meet those needs. There is not a requirement that this work be completed prior to expansion of the UGB. These issues will be addressed

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<sup>1</sup> This number was the preliminary population released by PSU; it was later adjusted to 905.

outside of this process. Storm drainage improvements will be designed and constructed as development occurs. The Board and City Council find that the amendments are consistent with Goal 11.

**L. Goal 12 – Transportation**

Goal 12 requires a safe, convenient, and economic transportation system. The traffic impact analysis (TIA) prepared by DKS Associates dated June 16, 2006 and the supplemental correspondence from Carl Springer of DKS Associates dated August 17, 2006 demonstrate that the proposed amendments will not have significant adverse impact on the transportation system and will not prevent the City or County from meeting any of their citizens' transportation needs.

Goal 12 is implemented by the Transportation Planning Rule (TPR), which is set forth at OAR Chapter 660, Division 12. The TPR creates specific requirements for compliance and coordination among affected units of local government for the preparation, adoption, refinement, implementation and amendment of transportation system plans and local comprehensive plans and land use regulations.

The TPR requires that any amendments to comprehensive plans or land use regulations that "significantly affect a transportation facility" must assure that the allowed land uses "are consistent with the identified function, capacity and performance standards of the facility." An amendment "significantly affects" a transportation facility if it would: (1) change the functional classification of an existing or planned transportation facility; (2) change standards implementing a functional classification system; (3) allow types land uses or levels of development that are inconsistent with the functional classification of an existing or planned transportation facility; (4) reduce the performance standards of an existing or planned facility below minimally acceptable levels identified in the local transportation system plan; or (5) worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan. OAR 660-012-0060(1).

For the proposed amendments to demonstrate compliance with the TPR, the Board must conclude that the traffic impacts from the proposed hotel are either within the performance standards of the impacted transportation facility or that adverse impacts will be mitigated.

The TIA considers whether any transportation facilities would be "significantly affected" by the proposed facility within the meaning of the TPR. The TIA concludes that, with mitigation, affected transportation facilities will be adequate through the planning horizon year of 2026. Table B to Mr. Springer's August 17, 2006 letter

demonstrates that the intersection of Highway 99W and N.E. Ryals Road, with mitigation, will operate at a v/c ratio of 0.89 in the morning peak hour and a v/c ratio of 0.67 in the afternoon peak hour. The v/c ratio standard is the applicable standard adopted by ODOT for state transportation facilities.

The Board and City Council find that Goal 12 and the TPR are satisfied. The Board and City Council expressly adopt and incorporate into their findings the DKS Associates TIA dated June 16, 2006, as well as the supplemental correspondence from Mr. Springer dated August 17, 2006 regarding "Summary of Transportation Impacts and Mitigation Associated with the Proposed UGB Expansion in Adair Village." To the extent there is any discrepancy between the incorporated materials and these findings, the express findings in this document shall govern.

**M. Goal 13 – Energy Conservation**

Goal 13 requires that land uses maximize conservation of all forms of energy based on sound economic principles. The goal is implemented by local plans and regulations that control location, orientation and density of development to minimize net energy consumption. The expansion area's future location within an urban area with convenient access to activity centers such as shopping and employment opportunities will enable present and future residents to drive shorter distances and achieve more tasks on the same trip. This reduces the travel-distance gasoline consumption and, thereby, contributes to energy conservation. In addition, new development, residential and commercial, is often times regulated or encouraged to be constructed with the most recent acceptable building practices respective to energy conservation. The amendments are consistent with Goal 13.

**N. Goal 14 – Urbanization**

Goal 14 provides for an orderly and efficient transition from rural to urban land use, and provides the primary criteria applicable to expansions of UGBs, along with ORS 197.298. The review process under Goal 14 can be generally divided into two parts: (1) Land Need and (2) Boundary Location.

**1. Land Need**

Goal 14 includes two "Land Need Factors," providing that establishment and change of urban growth boundaries shall be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with the affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection.

Goal 14 goes on to explain that in determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need, and that prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary. These additional issues are addressed in the findings associated with factors (1) and (2) above.

***(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with the affected local governments.***

The "need" factors are addressed on pages 15-16 of the applicant's narrative and in supplemental materials submitted by the applicant. The Board and City Council adopt the following findings in support of a conclusion that there is a "demonstrated need" for the UGB expansion consistent with the 20-year population forecast:

Adair Village is projected to grow by 1,909 persons over the next 20 years from its current (July, 2005 estimate) of 905 persons. As explained in the findings adopted in Section VI above regarding the projected growth of Adair Village and in Section VII.J addressing Goal 10, housing for an additional 1,909 people will require 694 additional homes, which requires 118 gross acres of additional land (95 gross acres. In order to provide the necessary sports fields for the Santiam Christian School, 24 additional acres are required, which results in 142 gross acres total.

The UGB expansion is necessary to accommodate the housing needs of the projected population of 2,814 people for the City of Adair Village over the next 20 years and is consistent with factor (1) of Goal 14.

***(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection.***

The demonstrated need for housing to accommodate 20-year population growth in Adair Village is addressed above and in the findings regarding Goal 10. The Board and City Council adopt the following additional findings in support of the "need" factors of Goal 14.

**Household Size:** The unusual lot sizes and housing stock resulting from the military days has also impacted the average household size in Adair Village. While the 2000 census, taken prior to the recent 122 new dwellings, provides for an average household of 3.1 persons, this figure is recognized as being an anomaly given the base housing developed by the Air Force in the 1950s. The houses are all 3 or 4 bedroom homes with generally lower rents attracting larger families. In looking at average household sizes around Benton County the average household size in Benton County is 2.43, which newer development is more likely to mirror with smaller homes and families. The City's Comprehensive Plan anticipates an average household size of 2.75 persons per household.

Despite the historically large lots provided in Adair Village from its military base days, the City has adopted policies allowing for higher densities and a desired average lot size of 6,000 square feet per lot. While this might seem high (Adair Village is not a typical city given the community's history) it is a logical progression to more efficient use of land.

**Needed Housing:** The City of Adair Village has an extremely homogeneous stock of housing from its original development as a military base. With the exception of the one four-plex the housing stock from the original base consists of 80 percent (120) duplexes and 20 percent (30) single-family dwellings. Original lots in Adair Village generally exceed the 10,000 square foot minimum in the R-1 zone. The original single-family homes are 3 and 4 bedroom units and valued in the \$110,000 to \$130,000 and quite inexpensive in the Benton County housing market. The duplexes are 3 and 4 bedroom units constructed in the 1950s and have an appraised value of \$140,000 to \$150,000. Because of this inordinate amount of duplexes and rental units, the City's R-1 and R-2 zones residential zones make no allowances for dwellings other than single family units. The 2000 census, and comprehensive plan updated in 2000, indicates the City now has 180 dwelling units; of which 65 are single-family and 115 duplexes.

During the years of 2001 to 2004 the City added approximately 122 single-family dwellings to its housing stock. These dwelling average 1,300 to 1,500 square feet with two to three bedrooms and constructed on lots averaging 8,000 square feet in size. The lots and household sizes are smaller than originally provided for in Adair Village and is indicative of the trend toward smaller homes and smaller lots. While this has improved the housing ratio of duplexes to single-family units, there still remains no high-density zone or lands within the City and the City must expand its boundary to be able to zone lands for such uses.

To rectify this imbalance in densities and type the City Council amended its Development Code in 2006 after three years of review to allow for higher densities, multiple family units, and mixed use developments. The new Development Code language provides for a new R-3 zone with lots as small as 1,200 square feet. The Council also adopted new comprehensive plan policies providing for an average lot size of 6,000 square feet. These new zones will provide for a broader mix of housing type, style and cost based on the smaller lots size and allowances for multi-family housing. To assure that development occurs at densities sufficient to accommodate the housing needs without another expansion the City's Code also provides for maximum lot size in the R-3 zone. Housing development will then be monitored and evaluated during the City's periodic review to ensure that housing types and densities are meeting the housing needs.

In order to preserve the otherwise homogeneous nature of the existing community this high-density residential development would not occur within the original R-1 or recently platted R-2 areas of the community. To meet the City's need for additional housing to meet projected populations and diversify its housing stock the City must expand its boundary to new areas.

**Employment Opportunities:** The City of Adair Village currently has only two parcels in the entire City that are zoned for commercial uses and two parcels zoned for industrial uses. The commercial lands encompass less than two acres and are developed with a neighborhood grocery/tavern, coffee shop, and four-plex residential structure. The industrial lands include the 7.2 acres. These lands contain a cabinet shop and five acres where the Air Force radar facility was housed commonly referred to now as the "Block Building." The Block Building encompasses roughly 160,000 square feet on four stories and while the building has been privately owned for about three years and houses limited commercial business the building remains idle for the most part. There are other under-developed lands in the central community that are owned by the City of Adair Village and Benton County. However, these lands remain constrained for any development due to deed restrictions placed on them by the Federal government when it deeded the land to the local governments. These deed restrictions require the lands to remain used for public park and recreation purposes in perpetuity and are therefore not considered for in-fill residential or commercial development.

The economic analysis developed in the Adair Village study indicates a high level of disposable income. With no available commercial lands in the City additional lands must be provided in the expansion area to meet basic needs. The 2005 Urbswork Study reflects the need for 3-5 acres of commercial land. To partially



address this deficiency the expansion area will provide 2.2 acres of planned neighborhood commercial land.

**Public Facilities:** This new housing stock in the expansion area will require basic public facilities, which has generally been recognized as requiring 20-25% of the gross acreage. Additional open space is not necessarily required given the surrounding community amenities of the McDonald Dunn Forests, Adair County Park, Fish and Wildlife property and E.E. Wilson Wildlife Refuge. However, neighborhood parks are required with such residential development as provided for in the City's Comprehensive Plan at 2.5 acres of park land per 1,000 people. This will require 4.75 acres of park land to meet the need from 1,900 persons.

**Schools:** Santiam Christian School, private school serving grades K-12, is located within the City's UGB. Currently it has only one athletic field that serves for practices. All outdoor athletic events must be played on facilities outside of Adair Village. Football games are played in Adair Village, but on the school's lone practice field, which makes them unplayable for state playoffs and must be played elsewhere. Soccer matches are played at LBCC. Track events were also held at LBCC, but the School has recently learned that those facilities are no longer available and the school had to work a hurried agreement to hold those events at Cheldelin Middle School in Corvallis. Baseball and softball must be played on leased fields in Adair County Park. The School has finally after many years of negotiations acquired the land immediately to the south of its campus from ODF&W with the hope of developing a portion of the land for its athletic fields, which will also provide the community with needed open space.

The School is, however, precluded by State and County rules from developing this athletic field complex on its property immediately south of the campus since it is outside, but within 3 miles, of the UGB. OAR 660-33-120(2) and (18) prohibit churches and schools from being located within three miles of an Urban Growth Boundary unless an exception is obtained. If such facilities are proposed to be located on high value farm land, an exception is not permitted. Because the UGB expansion area includes high value farm land, Santiam Christian School would not be able to expand its facilities outside of the UGB even with an exception. The Board and City Council find that there is a need to provide recreational facilities adjacent to the school that they serve and not require children to ride buses to distant facilities or require parents to transport their children to those facilities. To develop these facilities next to the school a UGB expansion is needed.

The School has an established need to provide its own athletic fields and has proposed a very efficient design consolidating soccer, baseball and football fields to

meet this need on about 24 acres. The Board and City Council find that the 24 acres proposed by Santiam Christian School to meet their identified needs is a reasonable and accurate description of the necessary acreage.

The Corvallis School District 509J has been apprised of the proposed development. Many of the anticipated student population can be accommodated in Mountain View Elementary School, Cheldelin Middle School, and Crescent Valley high school.

The breakdown of proposed land uses (excluding Ryals Avenue) is shown on the following table:

<b>Proposed Acreage (rounded)</b>	<b>Percentage of Total (rounded)</b>	<b>Proposed Use</b>
84 acres	59%	Net needed developable acres for housing
21 acres	15%	Road rights-of-way and other public infrastructure
2 acres	1.4%	Neighborhood commercial (upon annexation)
6 acres	4%	Wetlands
24 acres	17%	This land is already owned by Santiam Christian School and will be designated as open space for a sports field complex.
5 acres	4%	This acreage was not included by the applicant. However, the City requires 2.5 acres of park for every 1000 persons, or approximately 5 acres.
<b>142 acres</b>	<b>100%</b>	<b>Total acreage not including the road ROW.</b>

**Land Within Existing UGB:** The first two "need" factors for a UGB expansion include a requirement that the identified need cannot be accommodated within the existing UGB. The Board and City Council adopt the following findings explaining why the identified need cannot be established within the existing UGB.

OTAK submitted a Vacant Lands Analysis Summary dated May 2006, accompanied by two tables identifying vacant and underbuilt lands, and an aerial photo identifying the precise location of such lands. According to the OTAK analysis,

there are approximately 19 acres of buildable underdeveloped and vacant land within the existing UGB, as depicted on the aerial photo.

The 19-acre figure is reached after removing lands that are constrained by development limitations, lack of access, or natural resource and hazards policies restricting development adjacent to the E.E. Wilson Game Management Areas. However, the Board and City Council find that there is no evidence in the record to support a finding that these lands can reasonably accommodate the specific needs described above, because there is no evidence to establish that these lands are available for development or that there is willingness on behalf of the private property owners to develop their land for needed housing. For example, one of the vacant parcels identified in the OTAK analysis is a 4.48-acre parcel that is owned by the Prince of Peace Community Church, for the construction of a future church and is therefore unavailable for residential development, as is the land in the proposed expansion area.

**Conclusion Regarding Land Need:** The applicant has demonstrated there is a need to accommodate long range urban population, consistent with a 20-year population forecast adopted by the City and Benton County Board of Commissioners. Furthermore, the applicant has demonstrated that there is a need for housing of a modest parcel size, as well as consolidated lands of adequate size and proximity to accommodate the need for school athletic fields. This need cannot be accommodated within the existing UGB, and the need for expansion onto the adjacent 142 acres is justified under the first two factors of Goal 14.

## 2. Location Factors

The second part of Goal 14 involves the application of four factors that relate to the location of the proposed expansion. The applicable portion of Goal 14 provides:

*The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration given to the following factors.*

- (1) Efficient accommodation of identified land needs;*
- (2) Orderly economic provision of public facilities;*
- (3) Comparative environmental, energy, economic and social consequences;  
and*

*(4) Compatibility of the proposed urban uses with nearby agricultural and forestry activities occurring on farm and forest land outside the UGB.*

As described in the above-quoted portion of Goal 14, expansion of a UGB also requires consideration of the requirements of ORS 197.298, which establishes a hierarchy of priorities for the types of lands that should be considered for expansion. In summary, these are as follows:

*Priority 1: land designated in an urban reserve under ORS 195.145.*

*Priority 2: land adjacent to an UGB as an exception area or non-resource land.*

*Priority 3: land designated as marginal lands pursuant to ORS 197.247.*

*Priority 4: land zoned for agriculture or forest uses with lower productivity ratings.*

*Priority 5: land zoned for agriculture or forest uses with higher productivity ratings.*

Regarding priority 1 above, the County and City do not have areas designated as an urban reserves. The exception lands to the west of Highway 99W are referred to in the urban growth management agreement as an "area of concurrence" which has special coordination provisions such as notifications for development proposal; however, this is not an urban reserve area as defined by statute.

Regarding priority 2, there is land to the west of Highway 99W that is an exception area. This area consists of approximately 156 acres and consists of 35 separate parcels, ten of which are larger than 3 acres.

Regarding priority 3, there are no marginal lands pursuant to ORS 197.247.

Regarding priorities 4 and 5, which consider other lands zoned EFU, the area surrounding the existing UGB is fairly homogeneous in terms of the types of soils, with a majority being class II and III.

In reviewing the properties for inclusion into the UGB, the City and County need to consider exception areas first, which include the lands on the other side of Highway 99W from the existing UGB. Only after a determination is made that these areas are insufficient or unsuitable to meet the 20-year population needs can alternative sites zoned for forest or farm uses can be considered. The City and County also need to compare properties proposed by the applicant with other potential sites.

Based on the siting criteria contained in ORS 197.298, three alternative areas were considered for the UGB expansion (including the area selected). These areas are described and analyzed in the application narrative and in the Alternative Lands Analysis prepared by OTAK, which is contained within the bound materials entitled "Adair Village Urban Growth Boundary Expansion, Proposal by D.R. Horton," and which includes aerial photos and descriptions of the different characteristics of each area, as well as a comparative environmental, social, economic and energy analysis of each area. Those materials also include a map depicting the public land constraints surrounding the City that limit the UGB expansion to the three potential alternative sites. The Board and City Council adopt and incorporate by reference all of the applicant's materials referenced in this paragraph. To the extent there is a discrepancy between those materials and these findings, the express findings shall govern.

The three potential expansion areas considered in the applicant's analysis are referred to as follows:

- (a) Tampico Road Area;
- (b) North East Area; and
- (c) Proposed Expansion Area.

***(a) Tampico Road Area***

This area is located west of Highway 99W, across the highway from the City of Adair Village, and contains lands zoned Rural Residential, 10-acre minimum. The applicant discusses this alternative site on page 9 in the application narrative and page 2 of the letter dated March 13, 2006. The Tampico Road area is also analyzed in the Alternative Lands Analysis prepared by OTAK. This area consists of 35 individual lots comprising approximately 156 acres, which are all part of an existing exception area. The area is located directly east of a mixture of rural parcels at the base of the McDonald State Forest. The area varies in topography, but includes three separate hill tops and potentially steep slopes in portions. The properties are zoned RR-10 PUD and RR-5 within Benton County. The majority of the soils identified in this area are classified by the NRCS as being not classified, Class II or III.

The three largest deterrents to including this area into the amended UGB is that the area is not well defined by any natural or man-made barriers, the area is separated from the existing City boundary by Highway 99W, and the costs associated with extending public services to the area. The costs would be driven higher by the highway crossing and topographical barriers. Also, the area cannot meet the

identified need for efficient development of the athletic fields for Santiam Christian School.

If the Tampico Road Area is were developed to urban standards it would require basic public facilities associated with water, wastewater, and transportation systems. Because the City's water reservoir is located on the west side of Highway 99W this service can be efficiently provided. However, it will be more costly to loop any future system with the City's distribution mains east of the highway that will require boring under the highway.

The costs associated with providing sewer to new development west of Highway 99W are prohibitive. Adair Village was not designed originally by the military to accommodate development west of the highway. A new sewer collection system would have to be constructed to accommodate the new houses with the most likely course through the middle of the developed community. It will prove more economical to construct the collection system on and through undeveloped land consisting of two owners than through 35 parcels. Furthermore, the applicant submitted evidence indicating that the cost for boring under the highway has been estimated at \$3000 a foot. With the highway right-of-way at roughly 120-feet and separate bores required to separate the water and wastewater systems the cost will approach \$720,000.

There are a number of comparative and social consequence that are also a deterrent to crossing Highway 99W. The environmental and energy consequences are deemed to be equivalent regardless of location either south of town or west of the Highway. The economic impacts have been discussed above with the greatest concern being cost of boring under the Highway 99W. The greatest concerns are with social impacts, safety concerns, and the lack of livability that would result from expanding the City across to the other side of Highway 99W.

In a letter dated April 12, 2006, the Oregon Department of Transportation stated: "Future urban development in Adair Village can be much safer for residents and for all the public by expanding the community in ways that do not increase the number of public road intersections with a state highway, or the volume of cross-traffic at unsignalized or signalized intersections. Developing a street system for local travel within the community also will minimize the inherent conflict between local travel and longer distance travel on a highway. Minimizing local travel on Highway 99W also serves to protect the function of the highway as a regional Highway and Freight Route. The department believes that additional urban development in Adair Village will be more compatible with highway operations if that development remains east of Highway 99W."

The Board and City Council find that the City's specific transportation needs and policies, as expressed in the City's Comprehensive Plan and Code, would not be satisfied by extending across Highway 99W, which would create mobility and safety problems, would unnecessarily route local traffic onto the state highway, and would be a significant detriment to pedestrians and bicyclists. Specifically, the City of Adair Village's Comprehensive Plan contains the following policies that support not extending the City to the west of Highway 99W:

***Section 9.79: Transportation Goal Policies***

1. *The City shall seek to develop a balanced transportation system that includes all transportation modes appropriate to the City's needs.*
2. *Transportation proposals shall be reviewed to determine whether they enhance or deter the overall growth policy for the Urban Growth Area.*
3. *Transportation proposals shall be reviewed to minimize adverse social, economic, energy and environmental impacts and costs.*

***Streets & Highways Policies***

1. *Future streets and highways shall contribute to the creation of an efficient circulation network and provide for convenient movement of traffic and access to all parts of the community.*
2. *The circulation network shall help encourage compact community development, without disrupting or bisecting areas with a natural unity.*
6. *The City shall cooperate with the County and State to guarantee that safety conditions on County and State roads are maintained for the protection of area residents.*
7. *Arterials shall provide for the convenient movement of traffic around the periphery of main concentrations of community activity.*
8. *The use of land adjacent to arterials shall not be allowed to conflict with the safe and efficient movement of traffic.*

The above-quoted provisions of the City Comprehensive Plan require, among other things, "compact community development" that does not "disrupt or bisect areas with a natural unity," as well as "an efficient circulation network" that "provides for convenient movement of traffic and access to all parts of the community." The Board and City Council find that the above-cited provisions of the City Comprehensive Plan identify a need for efficient traffic circulation and compact development that are not consistent with the expansion of the UGB across Highway 99W.

In 2006 the City also adopted (in Ordinance #06-2) twelve Growth Management Principles into Section 9.100 of the City Comprehensive Plan. Expanding the community across the highway into the Tampico Road Area would be inconsistent with the following four of those principles:

***Section 9.100: Planning***

*Growth Principle 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.*

Expanding the City of Adair Village across Highway 99W would create a dangerous barrier bisecting the heart of Adair Village, and separating the community into an "East Adair Village" and a "West Adair Village." In order to create a village center that is the heart of the city's civic life, the City must make the center of town easily accessible, including by foot and by bicycle, to all members of the community. Adding a new development on the other side of the highway in the Tampico Road area would be inconsistent with this goal by making the village center significantly less accessible to those who reside on the other side of the highway.

*Growth Principle 6: Provide for a network of collector and local streets that avoids reliance on the state highway for local trips and disburse access to the highway to all available intersections.*

Expanding the City of Adair Village across Highway 99W would diminish the City's ability to provide for local circulation via an internal network of local streets, because half of the city would only be accessible via one or two connections across the highway. Also, it would obviously increase reliance on the state highway for local trips.

*Growth Principle 8: Promote alternatives to automobile use through street designs and a transportation network that facilitates safe and convenient bicycle and pedestrian travel.*



Creating a city that is bisected by a highway will increase reliance on the automobile by significantly reducing connectivity within the community through reduced access points across the highway, and will also diminish the ability of residents to safely travel across the city by foot or by bicycle due to the hazards associated with crossing a busy and high-speed state highway.

*Growth Principle 9: Ensure efficient urban development through compact pedestrian friendly development within natural and man-made boundaries.*

Extending the city across Highway 99W would result in less efficient urban development than extending to the south, due to increased costs associated with extending services across the highway and creating an artificial barrier that separates the city into an "East Adair Village" and a "West Adair Village," which results in less pedestrian friendly development. Also, the Tampico Road area has fewer natural and man-made boundaries than the proposed expansion area.

The above-quoted Growth Management Principles reflect a need that has been identified by the City of Adair Village for increased livability in the City. This is an identified need within the meaning of Goal 14 factor (2) that can be considered as part of the determination under the locational factors regarding which area would provide the most efficient accommodation of identified land needs. The Board and City Council find that, for the reasons outlined in this section, the Tampico Road Area does not satisfy the City's identified need for livability as expressed in its Growth Management Principles and elsewhere in its Comprehensive Plan, and that the proposed exception area is more consistent with the City's livability needs.

In addition to the other reasons cited above, the Board and City Council find that the Tampico Road Area is not an appropriate location to expand the UGB because it would conflict with City of Adair Village Transportation Goal Policies and Growth Management Principles adopted by the City of Adair Village by resulting in increased conflicts with highway traffic, creating a barrier to foot or bicycle travel, and requiring an inefficient and costly extension of sewer service.

***(b) Northeast Area Lands***

The area described as the "Northeast Area Lands" is located north and east of the existing UGB, and includes four individual lots containing approximately 41 acres. Like the proposed expansion area, it includes a combination of EFU-zoned Class II and III soils, as depicted on the aerial photos included in the Alternative Lands Analysis submitted by OTAK. The area includes the following properties:

Owner	Assessment Map	Size (acres)
Amandi, Antonio and Elizabeth	Tax lot 600; T10-R4-20	9
Wright, Thomas and Caroline	Tax lot 1000; T10-R4-29	4
Olarra, Alex and Jennifer	Tax lot 1100; T10-R4-29	15
Amandi, Antonio and Elizabeth	Tax lot 4100; T10-R4-19DD	1
Cornelius, Timothy	Tax lot 900; T10-R4-29	12

The area is made up of approximately 41 acres ranging in size from 4.07 acres in size up to 15.57 acres in size. The area is made up of five individual properties. The area is bound on the north by the E.E. Wilson Wildlife Area and on the south by the Adair County Park. The area is relatively flat and includes some wetlands. The properties within this area are zoned EFU within Benton County and, according to the aeriels available, are actively being farmed. The majority of the soils identified in this area are Class II, but the area also includes a small area of Class III soils as defined by the NRCS.

Although the characteristics of this land are similar to the proposed expansion area, it is not large enough to accommodate the entire 20-year projected growth need, and would therefore need to be combined with an expansion of approximately 100 additional acres to the south. Also, the area and is not well defined by any natural or man-made boundaries to the east and north. There are no known physical or natural boundaries that would hinder the extension of infrastructure into this area. The area is suitable for housing and commercial development. Policy #86 in the Upland Game section of the Natural Resources and Hazards Chapter of the Benton County Comprehensive Plan states, "Lands adjacent to the E.E. Wilson Game Management Areas should remain in agriculture use. The density of dwellings which currently exists should not be increased." This policy would exclude portions of this area from being included in the UGB and developed.

The Board and City Council find that expansion in this direction would result in expensive inefficiencies regarding extension of utilities and services, because it would require extension of utilities both to the northeast and to additional acreage in the south. It would be less cost effective to expand the UGB in two different

directions. Also, this area has limited transportation access because of wetlands and the location of Adair County Park.

Development of these properties would be less compatible with nearby resource lands because there are no natural or man-made buffers separating urban from resource lands.

The Northeast Area does not provide sufficient land to meet the projected 20-year population growth. In addition, this area also does not have any clear overriding advantages over the applicant's property considering the boundary location factors contained in Goal 14.

*(c) Proposed Expansion Area*

The proposed expansion area consists of 142 acres in two ownerships, approximately 80 acres of former ODF&W land acquired by Santiam Christian School, and approximately 62 acres owned by the Dorothy A. Weigel Trust. The land is in EFU zoning, and evenly split between Class II and III soil types. The Weigel Trust property is farmed for grass seed and the former ODF&W land is idle and currently open space. The area is located directly south of the existing city limits and is bound on the east by the Southern Pacific Railroad, on the west by the ODFW Regional Offices and Highway 99W, and on the south by Crane Road. The area is relatively flat and includes some wetlands and riparian corridors. The majority of the soils identified in this area are classified by the NRCS as being not classified, Class II or III and evenly split between the two soil types.

In this instance, the area is well defined by man-made barriers and can accommodate the entire projected 20-year population. There are no known physical boundaries that would hinder the extension of infrastructure into this area. The area is suitable for housing and commercial development.

Including the proposed land within the UGB will create an efficient land use pattern and will minimize potential compatibility issues both with urban and agricultural uses. Including the proposed area into the current UGB would not create any foreseeable adverse impacts as they will be separated from the adjacent uses by the Southern Pacific Railroad right-of-way, and the buffer area between the revised UGB location and the Crane Road right-of-way. As reduced to 142 acres, the modified UGB location provides a significant buffer area north of Crane Road and west of the railroad tracks in addition to the buffers created by those facilities, and provides more compatibility with nearby agricultural uses than other expansion areas.

As previously stated in these findings, all of Adair Village is surrounded by governmental or resource uses, and there must be some expectation that the City will have to grow into these resource areas. The City can impose restrictions on lands adjacent to agricultural lands that preclude the land owner from taking action against nearby agricultural uses. The City can choose to impose buffers between urban and agricultural uses, or impose lower densities on areas adjacent to agricultural uses, to imply that there is a transition between the uses.

In considering the long-term environmental, economic, social, and energy consequences, the Board and City Council find that the proposed expansion of the UGB to the south is the best location because it borders existing urban uses to the north, it provides for the economical extension of existing facilities and services, and it is no more agriculturally productive than the other surrounding available resource lands. The subject property contains no Class I soils and a large portion of the property currently lays fallow. Other portions of the property are currently planted with grass seed. Equally important, is the fact that the crops grown in and around the existing UGB are all similar, and that the proposed expansion in the proposed area is not likely to adversely affect agriculture. As proposed, the UGB will be expanded to two logical man-made boundaries.

**Environmental Consequences:** The environmental consequences of bringing in the proposed expansion area revolve around the potential degradation of wetland areas for future development and conflicts between the ODFW Regional Offices, which has a small wildlife refuge, and any new development on the proposed expansion lands. Other issues such as air and noise pollution as a result of added traffic could be attributed to the proposed expansion as well. The implementation of existing state and local laws designed to preserve wetland functions and values will be enforced on any proposed land uses within the expansion areas. Air and noise pollution are also limited by existing state, local, and federal regulations. By establishing a vegetated buffer between conflicting uses, any proposed development could occur without adversely degrading wetland functions and values, or affecting the existing wildlife refuge on the adjacent ODFW Regional Offices.

**Economic Consequences:** The economic consequences of converting the proposed expansion area to urban uses are twofold. First and foremost is the apparent loss of farmland. The offsetting circumstance to this argument is that the expansion of the UGB will provide more land that will allow the City of Adair Village to grow and expand its infrastructure and tax base without expanding into any protected state, federal, or locally protected resource lands such as the McDonald State Forest, the E.E. Wilson Wildlife Refuge, Adair County Park, and the ODFW wildlife refuge. By

providing more housing opportunities, the City of Adair Village will enhance its economic development opportunities.

**Social Consequences:** Expansion of the UGB in the proposed location would provide potential opportunities for additional recreation and education on the Santiam Christian School site and provide additional land for needed housing within the area.

**Energy Consequences:** The proposed expansion will result in added traffic and capacity issues for existing utilities. Travel trips may be reduced locally, by promoting denser development and alternative forms of transportation (e.g., walking and biking). Issues related to existing utilities can be mitigated by systems development charges and improvements to the local infrastructure as a result of increased development. In addition, compliance with existing building, fire, and safety regulations will reduce overall energy consumption and expenditures over time.

For all of the reasons explained above with regard to the potential locations for expansion of the UGB, the Board and City Council find that the proposed expansion area, when compared against the other two alternative sites, is more consistent with the four locational factors of Goal 14. The proposed expansion area provides the most efficient means in which the City can accommodate the identified need for additional housing and school facilities. The proposed expansion area will also provide for the most orderly and economic provision of public facilities. The proposed expansion area would have no greater adverse environmental, energy, economic, and social consequences in comparison to the other areas examined. And finally, the proposed urban uses on the subject properties will provide a greater degree of separation from resource uses on adjacent land than the properties in the Northeast Area or in the Tampico Road Area. No significant compatibility problems with resource uses have been identified on any of the sites examined.

While the Tampico Road Area is not in a resource zone, for the reasons described above, expanding onto that area involves barriers to efficient, orderly and economic extension of services. Further, expanding to the west into the Tampico Road Area would result in the city being bisected by Highway 99W, which is not consistent with the City's identified need for livability as expressed in its Growth Management Principles, and is also inconsistent with the City's Comprehensive Plan policies discussed above.

The Northeast Area alternative site is also zoned EFU, and has similar soil types to the applicant's parcels. However, that area is too small to accommodate the City's 20-year population, is more constrained by natural resource issues and proximity to the E.E. Wilson Wildlife Area, and the transportation network would be

significantly more difficult to develop. The Board and City Council conclude that the alternative sites provide no clear advantage to the proposed expansion area, and that the proposed expansion area, on balance, is more consistent with the Goal 14 location factors.

**O. Goal 15 – Willamette River Greenway**

This Statewide Planning Goal is not applicable to this application.

**P. Goal 16 – Estuarine Resources**

This Statewide Planning Goal is not applicable in Yamhill County.

**Q. Goal 17 - Coastal Shorelands**

This Statewide Planning Goal is not applicable in Yamhill County.

**R. Goal 18 – Beaches and Dunes**

This Statewide Planning Goal is not applicable in Yamhill County.

**S. Goal 19 – Ocean Resources**

This Statewide Planning Goal is not applicable in Yamhill County.

For the reasons stated above, the Board and City Council find that the proposed amendments are consistent with all applicable Statewide Planning Goals.

**VIII. BENTON COUNTY CRITERIA**

In addition to Plan amendments being reviewed against all applicable Statewide Planning Goals, they also need to be reviewed against local plan and code criteria.

**A. Comprehensive Plan Amendment**

Chapter V: *Monitoring and Updating the Comprehensive Plan* of the Benton County Comprehensive Plan provides the process for a Comprehensive Plan Map Amendment. This process is described in Section 4.b and Section 5:

*Criteria for Amendments:*

*Amendment to the text may be considered to correct an error, improve the accuracy of information, expand the data contained in the Plan,*

*bring the Plan into compliance or more into compliance with statewide land use planning goals, or to reflect a public need in compliance with the State goals. Map amendments may be considered when compliance with all elements of the Comprehensive Plan and with statewide land use planning goals can be shown and a public need exists for the proposed amendment.*

The comprehensive plan provisions provide the process by which the County amends its Comprehensive Plan and Plan map. The Statewide Planning Goals are addressed above. A public need is met through planning for urban areas in a manner that efficiently accommodates future growth. The Board finds that the proposed amendments comply with the goals and there is a public need for the proposed amendment; therefore, these criteria are met.

#### **B. Zone Map Amendment Criteria**

The criteria for a zone change to the Benton County Zone Map are contained in BCC 53.505:

*The Official Zoning Map may be amended if:*

*(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;*

Because of the expansion of the UGB, the proposed rezoning is more appropriate than the current EFU designation. Rezoning the property as Urban Residential-50 (UR-50) and Open Space (OS) by the County will allow the City of Adair Village to begin implementing its plan for this area as spelled out in the Adair Village Town Plan Study. With approval of the UGB amendment application, the circumstances will have changed such that the rezone is warranted.

*(2) The impact on adjacent properties will be minimal;*

The impacts on adjacent properties are considered in the findings addressing Goal 14, and those findings are adopted and incorporated here. This subject property is separated from adjacent properties by the Southern Pacific Railroad, a state highway, and Crane Lane, which is essentially a private drive. The impact to adjacent properties, particularly farmlands to the east and south of the proposed area, as a result of this application will be minimal given the physical separation. Once within the UGB, annexed and developed, adjacent properties will notice impacts created by

added traffic and population, but the added population and traffic have been planned over the last three years and will be realized over the next 20. The impacts will be mitigated through compliance with state and local ordinances.

*(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area, and*

The proposed UGB expansion will likely increase the level of public services once the property within the area is developed. The expansion of future public services can be currently accommodated or improved at the cost of development. The costs of additional public services can be offset or avoided through application of system development charges, ensuring dedication and development of park space to meet the City's ratio of 2.5 acres/1000 persons, and ensuring that when property is subdivided the developer is required to pay a proportional amount of the costs of needed public improvements. There will be no significant increase to the level of public services required of Benton County. The main public services would be road infrastructure costs, including future traffic signals on Highway 99W, expanding the City's sewage treatment capabilities, and developing park space.

*(4) The proposed zone change is consistent with the policies of the Comprehensive Plan.*

Chapter B of the Benton County Comprehensive Plan relates to the local economy. The proposed amendments do not conflict with any of the policies of Chapter B. In fact, the proposed amendments are consistent with the directives identified in Policy 5, which state, "Benton County shall cooperate with Cities within the County, Chambers of Commerce, the State Economic Development Department, the Council of Governments, utility companies and other state and regional economic development organizations in coordinating resources and activities towards promoting economic development and meeting economic development objectives." The proposed amendments are also consistent with Policy 14, which states, "The County shall encourage the expansion of the retail and service sectors of the local economy which captures local market demand and disposable income." The amendments will enhance the economic development of the City of Adair Village.

Chapter C of the Benton County Comprehensive Plan relates to Natural Resources and Hazards. The proposed UGB expansion will displace some high-class farmland adjacent to the current City of Adair Village UGB, and portions of the expansion area do include streams, wetlands, and floodplains that will warrant



protection when the property is developed. The amendments are consistent with the policies of Chapter C.

Chapter D of the Benton County Comprehensive Plan deals with Housing and focuses on ensuring a variety of housing types, costs, and measures to ensure that demand is monitored. The proposed amendments do not conflict with any of the policies within this chapter.

Chapter E of the Benton County Comprehensive Plan relates to Transportation. The proposed amendment does not conflict with any of the policies within this chapter. In fact, the expansion to the proposed area, as opposed to the Tampico Road Area, will prove more conducive to realizing Policy 3, which states, "Benton County shall support ODOT's efforts to maintain highway mobility and implement access management standards." By expanding the UGB to the south, the City of Adair Village can minimize the amount of traffic that has to cross the highway to access services. The proposal will also promote a more efficient extension of public services by expanding the local roads that already serve portions of the current UGB.

Chapter F of the Benton County Comprehensive Plan relates to Public Facilities and Services. As it relates to this specific proposal, the Comprehensive Plan encourages the provision of urban services by cities as opposed to the County. Rezoning portions of the property from agricultural to residential, commercial, and open space will eventually lead to the demand for more services such as schools, police and fire protection, and social services, but these impacts can be expected as a result of any addition of population. In this instance, the City of Adair Village has recognized that increased services will be required and is committed to working with the individual service districts and developers to ensure that the costs of providing these services are offset by systems development charges where applicable. There are no requests from the County for urban services with the proposed expansion. The proposed amendments do not conflict with the policies of this chapter.

Chapter G of the Benton County Comprehensive Plan relates to Energy. The policies are directives to the County to promote research and conservation efforts for existing systems, future development, and to foster the growth of renewable energy sources. The proposed amendments do not conflict with the policies of this chapter.

Chapter H of the Benton County Comprehensive Plan relates to Environmental Quality. As indicated previously in this narrative, future residential use of the property will likely have more negative effects upon air, water, and land resources by way of non-point source pollutants, automobile exhaust, and land consumption over what currently occurs. It should also be noted that any land converted from rural to urban

uses would be subjected to the same changes regardless of the location. The policies of this chapter tend to encourage compliance with federal, state, and local laws over outright prohibition. Any new development resulting from the proposed UGB expansion and rezone will ultimately require direct mitigation such as connecting to sanitary sewer, treating and managing stormwater, connecting to the public water supply, and complying with other applicable local and state regulations. The proposed amendments do not conflict with the policies of this chapter.

Chapter I of the Benton County Comprehensive Plan relates to the identification and protection of Open Space, Scenic, and Historic Areas within Benton County. Specifically, this chapter requires the identification and protection of areas associated with open space uses, historic and prehistoric uses, scenic waterways, scenic views, and cultural resources. There are no identified view corridors on this property and future development will comply with all applicable state and local laws to protect any cultural, historic, or prehistoric resources on the property. The proposed amendments do not conflict with the policies of this chapter.

Chapter L of the Benton County Comprehensive Plan relates to Rural Land Use. Policy 1 provides that lands designated for agricultural use on the Comprehensive Plan Map "shall be preserved and maintained to encourage their utilization for agricultural production as specified by Statewide Planning Goal 3 (Agriculture)." Policy 2 allows conversion of agricultural lands only when an Exception to statewide planning Goal 3 is granted. An exception to statewide Planning Goal 3 is not required due to the concurrent expansion of the UGB onto agricultural land under the applicable provisions of Goal 14, which necessarily converts those lands from resource to urban use independent of the related mapping exercise, which could otherwise trigger a Goal 3 exception. The City of Adair Village is surrounded by prime agricultural lands and, when it grows, it will have to grow into prime agricultural lands simply because of its location. The amendments are consistent the policies outlined in this chapter.

The Board concludes the applicant has met the burden of proof for the UGB expansion considering the applicable Statewide Planning Goals and applicable sections of the Benton County Comprehensive Plan.

#### **IX. CITY OF ADAIR VILLAGE CRITERIA**

Amending the urban growth boundary is a process conducted jointly by the City and County. The Urban Growth Management Agreement between Adair Village and Benton County governs the coordination of joint legislative amendments. An amendment may be approved, denied, or altered by mutual approval of both the City

and County. Section 2.700 of the City's Land Development Code governs amendments to the Comprehensive Plan Map and the resultant County zoning.

**A. Land Development Code Section 2.700**

*Decision Criteria.*

(2) *All requests for an amendment to the text, zoning map or comprehensive plan map of this Code may be permitted upon authorization by the City Council in accordance with following findings:*

(a) *The proposed amendment is consistent with the intent of the Comprehensive Plan.*

The purpose of the Comprehensive Plan is to provide guidelines for conservation and development of community resources and to promote the public health, safety and general welfare of community residents. There is no single description of the "intent" of the plan, but the City Council finds that, taking all relevant aspects of the plan into consideration, the primary intent of the plan is to ensure that the City's livability will be enhanced rather than weakened in the face of growth and change. The City Council finds that the proposed amendments are consistent with the intent of the Comprehensive Plan by allowing the City to expand its boundaries in an orderly fashion to allow for planned development sufficient to accommodate the City's 20-year growth estimates.

(b) *There is a public need for the proposed amendment to comply with changing conditions or new laws.*

According to the US Census statistics and the numbers provided by the Center for Urban Population at Portland State University, the population of the City of Adair Village increased by approximately 62 percent over the four-year period of 2000 through 2004. According to the adopted Adair Village Town Plan Study, there was approximately 20 acres of underdeveloped land within the current UGB to accommodate future growth in 2003.

The City of Adair Village has added 122 new homes over the previous three years, as opposed to approximately 10 in the prior 25 years. And, according to population forecasts for the City of Adair Village, an additional population of 1,909 to 2,814 people can be expected to locate within the City of Adair Village over the next twenty years. These amendments are proposed to begin facilitating future growth of the City in an orderly and efficient manner. As a result of the development the City

has found it necessary to expand the UGB and change the plan designation on this property from EFU to residential, commercial, and open space.

It has previously been determined that there is a need to expand the City of Adair Village's Urban Growth Boundary. Since resource lands are not an allowed designation within UGBs, there is a need to amend the plan and zone designations within this area. The plan and zone designations have been proved for open space (to allow for future school facilities of which there is no corresponding zone in the County), urban residential, and a limited area of commercial zoning.

For the above-stated reasons and the reasons set forth above in Section VII.J of these findings, the City Council finds that there is a public need for the proposed amendments to comply with changing conditions.

*(c) The amendment will not have an undue adverse impact on adjacent areas or the land use plan of the City.*

The UGB amendment extends the UGB to three logical man-made boundaries that will separate future development from adjacent areas. The adjacent non-urban uses include rural residential development to the west, and farming operations to the east and south.

The anticipated athletic fields and residential development will compliment the urban uses to the north. The rural residential uses to the west and farm practices to the south and east will be impacted by the expected change in land use from farming to residential with such things as traffic, noise and lighting and other activities associated with urban development. However, given the natural barrier of the state highway separating the adjacent rural residential uses from the subject property, the uses would not prove an undue adverse impact.

Regarding the farm operations to the south and east, these are again well separated by Crane Lane and the Southern Pacific Railroad lines and the tree lines and natural vegetation. The concern is not so much that that residential uses will adversely impact the farm operations. Rather the concern is that adjacent farm practices will adversely impact the residential uses and result in conflicts that might otherwise be avoided. In the City's development review process, extra measures can be ensured through the imposition of conditions on the developing residential areas to mitigate against any perceived impacts.

The City has spent three years working on its land development code and comprehensive plan policies to accommodate the UGB expansion and these new zone designations. As such the amendment will be in keeping with land use plan of the

City. The City Council finds that the amendments will not adversely impact adjacent areas or the land use plan of the City.

*(d) The amendment will not have an undue adverse environmental impact.*

The amendments will not create any known undue adverse environmental impacts. When development is proposed, the City of Adair Village, Benton County, and the State of Oregon all have regulations pertaining to identification and preservation of environmental resources that will require compliance. These include water and wastewater to be provided by the City, protection of riparian corridors and wetland areas, and storm water management. The City Council finds that the amendments will not have an undue adverse environmental impact.

*(e) The amendment will not have an undue adverse impact on public facilities.*

The UGB amendment will extend the City of Adair Village UGB to include approximately 142 acres. Addition of land to the UGB, when developed, will create a greater demand on public facilities, which can be met by the City of Adair Village. The impacts can be offset by future improvements, or, in the case of immediate deficiencies, direct improvements to the affected facilities and financed via system development charges or directly by future developers.

Such improvements will actually have beneficial impacts on the overall operations for the City. For example, improvements to the inflow and infiltration will reduce the cost of pumping and treating rainwater at the wastewater treatment plant. Furthermore, increased flows in the summer will be beneficial to the wastewater treatment process during low flow months. The increased water demand and resulting system development charges may require and afford the City the ability to improve and expand treatment capabilities that would benefit all of the community.

The City Council finds that the amendments will not have an adverse impact on public facilities.

*(f) The amendment will not have an undue adverse impact on transportation.*

Once the new area within the UGB is expanded, there will be a stronger demand for new roads, but this is characteristic of urban development. The City of Adair Village already has an established street system that can be extended in the event of future development. According to the TIA prepared by DKS Associates and

the supplemental materials submitted by DKS, with required mitigation the proposed amendments will not have a significant affect on state or local transportation facilities. That cost burden for mitigation can be placed onto the developer that triggers the warrant as long as the improvements are proportional to the impacts of the proposed development. The City Council finds that the proposed amendments will not have an undue adverse impact on transportation.

*(g) The amendment will not have an undue adverse impact on economy of the area.*

The amendments will have a positive affect on the local economy by converting undeveloped land into buildable land that will foster local growth. Future development will result in expanded commercial opportunities and reduce travel time and trips to surrounding commercial centers. The City Council finds that the amendments will not have an adverse impact on the economy of the area.

*(h) The amendment is consistent with the intent of the applicable Statewide Planning Goals.*

For the reasons explained in Section VII of these findings, the amendments are consistent with the intent of the Statewide Planning Goals.

#### **B. Growth Management Principles**

In 2006 the City also adopted (in Ordinance #06-2) twelve Growth Management Principles into Section 9.100 of the City Comprehensive Plan. Expanding the community across the highway into the Tampico Road Area would be inconsistent with the following four of those principles:

*GMP 1: Comply with state planning requirements.*

The City Council finds that, for the reasons explained above in Section VII of these findings, the applicant has demonstrated compliance with all applicable state planning requirements.

*GMP 2: Accommodate 20-year population and employment projections and related land needs.*

As described above in Section VII of these findings, the purpose of the UGB amendment is to accommodate the city's 20-year population and employment projections.

GMP 3: *Establish urban reserve areas to accommodate growth projections beyond the 20-year planning horizon.*

The present amendment address the City's growth projections within the 20-year planning horizon. Consideration and potential adoption of urban reserve areas for the City will be part of a separate and subsequent planning process.

GMP 4: *Celebrate the unique history and character of Adair Village.*

The City will ensure that the design of future development in the expansion area will reflect the City's unique history and character.

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.*

The amendments are consistent with the policy of creating a village center that is the heart of the City's civic life. As described above, the City's population growth requires expansion of the UGB to accommodate needed housing and employment. The only remaining question is which direction to expand, and expansion into the proposed area is the most consistent with this policy. Expanding the City of Adair Village across Highway 99W to the Tampico Road Area would create a dangerous seam that bisects the heart of Adair Village, and separates the community into an "East Adair Village" and a "West Adair Village." In order to create a village center that is the heart of the city's civic life, the City must make the center of town easily accessible, including by foot and by bicycle, to all members of the community. Adding a new development on the other side of the highway in the Tampico Road area would be inconsistent with this goal by making the village center significantly less accessible to those who reside on the other side of the highway.

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.*

Highway 99W carries high volumes of vehicular traffic at high speeds through the Willamette Valley. It is designed for inter-city vehicle travel and has a posted speed of 55 mph through Adair Village. Expanding the UGB into the proposed expansion area will allow for a local street network that will enable residents to access important community destinations in a safe and direct manner and without relying on Highway 99W for intra-city trips. Expanding across the highway to the west would be inconsistent with this policy.

*GMP 7: Provide for a network of arterial, collector and local streets to provide a range of choices for traveling within Adair Village.*

The proposed amendments are consistent with this policy because the southern expansion will allow a wider range of choices for travel within the city, including bicycle and pedestrian travel.

*GMP 8: Promote alternatives to automobile use through street designs and a transportation network that facilitates safe and convenient bicycle and pedestrian travel.*

The existing street network combined with large-scale land ownership discourages convenient bicycle movement and pedestrian use. The proposed amendments will help encourage convenient bicycle and pedestrian travel by providing safe and convenient roads within the City that do not require hazardous crossing of Highway 99W in order to move from one part of the City to another.

*GMP 9: Ensure efficient urban development through compact pedestrian friendly development within natural and man-made boundaries.*

Adair Village can maximize the efficiency of existing utilities and streets by growing in an orderly way in areas directly adjacent to existing development and within boundaries formed by natural features such as creeks and ravines and man-made barriers such as rail lines and highways. 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.*

The proposed amendments are consistent with this policy. The only potential hazard in the expansion area is the Calloway Creek floodplain, which can be accommodated in planning and developing the area. The proposed plan amendments do not involve proposed development; however, future development of the future UGB expansion area will be planned and permitted in accordance with all applicable City policies and standards regarding protection of natural resources and avoidance of known hazard areas.

*GMP 11: Utilize green infrastructure techniques for future utility and street improvements.*

The proposed plan amendments do not implicate this policy.



GMP 12: *Encourage the City's large, significant institutional uses to be fully integrated with the community and the town center.*

The proposed plan amendments do not implicate this policy.

**X. CONCLUSION**

Based on all of the findings set forth above and all of the evidence in the record, the Board of Commissioners and City Council approve the proposed amendments.

Exhibit 2  
Description  
March 29, 2007

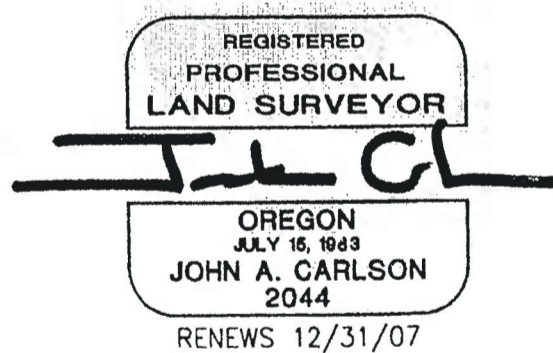
A tract of land in the southwest one-quarter of Section 29, the southeast one-quarter of Section 30, the northeast one-quarter of Section 31, and the northwest one-quarter of Section 32, Township 10 South, Range 4 West, W.M., Benton County, Oregon, to wit:

Beginning at the northwest corner of that property described in M-330614-02, Microfilm Records of Benton County, said point bearing North, a distance of 2961.92 feet, and East, a distance of 3342.08 feet from the southwest corner of the Mark Cahoon D.L.C. No. 58; thence S.04°13'36"E. along the west line of said M-330614-02 property, a distance of 1588.21 feet to the southerly right of way line of Ryals Avenue, County Road No. 04395; thence N.88°10'57"W. along said southerly right of way line, a distance of 1335.94 feet to the easterly right of way line of U.S. Highway No. 99W; thence S.04°14'22"E. along said easterly right of way line, a distance of 855.16 feet; thence leaving said easterly right of way line, N.85°45'38"E., a distance of 176.00 feet; thence S.04°14'22"E., a distance of 22.34 feet; thence N.85°45'38"E., a distance of 50.00 feet; thence S.04°14'22"E., a distance of 48.31 feet; thence S.88°04'09"E., a distance of 115.18 feet; thence S.01°55'51"W., a distance of 35.00 feet; thence S.88°04'09"E., a distance of 595.00 feet; thence S.01°55'51"W., a distance of 86.00 feet to the point of curve right of a 14.00 foot radius curve; thence along the arc of said curve right through a central angle of 90°00'00", a distance of 21.99 feet (chord bears S.46°55'51"W., a distance of 19.80 feet); thence S.01°55'51"W., a distance of 50.00 feet to a point of nontangent curvature; thence southeasterly along the arc of a 14.00 foot radius curve right (the radius point of which bears S.01°55'51"W.) through a central angle of 90°00'00", a distance of 21.99 feet (chord bears S.43°04'09"E., a distance of 19.80 feet); thence S.88°04'09"E., a distance of 70.00 feet to a point of nontangent curvature; thence northeasterly along the arc of a 14.00 foot radius curve right (the radius point of which bears S.88°04'09"E.) through a central angle of 90°00'00", a distance of 21.99 feet (chord bears N.46°55'51"E., a distance of 19.80 feet); thence S.88°04'09"E., a distance of 746.71 feet to the point of curve left of a 395.00 foot radius curve; thence along the arc of said curve left through a central angle of 19°34'50", a distance of 134.99 feet (chord bears N.82°08'26"E., a distance of 134.33 feet) to the point of curve right of a 75.00 foot radius curve; thence along the arc of said curve right through a central angle of 47°33'08", a distance of 62.25 feet (chord bears S.83°52'25"E., a distance of 60.47 feet); thence S.60°05'51"E., a distance of 4.99 feet to the point of curve right of a 14.00 foot radius curve; thence along the arc

of said curve right through a central angle of  $92^{\circ}17'18''$ , a distance of 22.55 feet (chord bears  $S.13^{\circ}57'12''E.$ , a distance of 20.19 feet); thence  $S.57^{\circ}48'33''E.$ , a distance of 70.00 feet; thence  $N.32^{\circ}11'27''E.$ , a distance of 689.22 feet to the point of curve left of a 335.00 foot radius curve; thence along the arc of said curve left through a central angle of  $30^{\circ}40'16''$ , a distance of 179.33 feet (chord bears  $N.16^{\circ}51'19''E.$ , a distance of 177.20 feet); thence  $N.01^{\circ}31'11''E.$ , a distance of 38.22 feet; thence  $S.88^{\circ}10'57''E.$ , a distance of 314.82 feet to a point of nontangent curvature on the westerly right of way line of the Union Pacific Railroad right of way; thence tracing said westerly right of way line along the following courses: northeasterly along the arc of a 5699.65 foot radius curve left (the radius point of which bears  $N.59^{\circ}49'35''W.$ ) through a central angle of  $12^{\circ}21'06''$ , a distance of 1228.71 feet (chord bears  $N.23^{\circ}59'52''E.$ , a distance of 1226.34 feet) to a point of parallel spiral to the left; thence along said parallel spiral, a distance of 89.76 feet (chord bears  $N.17^{\circ}31'18''E.$ , a distance of 89.76 feet); thence  $N.17^{\circ}22'19''E.$ , a distance of 1059.41 feet to the northeast of said M-330614-02 property; thence leaving said westerly railroad right of way line and tracing the boundary of said M-330614-02 property along the following courses:  $N.87^{\circ}45'51''W.$ , a distance of 1339.94 feet; thence  $S.03^{\circ}35'45''E.$ , a distance of 252.16 feet; thence  $S.86^{\circ}41'34''W.$ , a distance of 338.97 feet; thence  $N.03^{\circ}25'16''W.$ , a distance of 2.11 feet; thence  $S.86^{\circ}26'15''W.$ , a distance of 787.23 feet to the Point of Beginning.

This parcel contains 142.713 acres, more or less.

The basis of bearings for this description is the Oregon Coordinate System of 1983, North Zone.



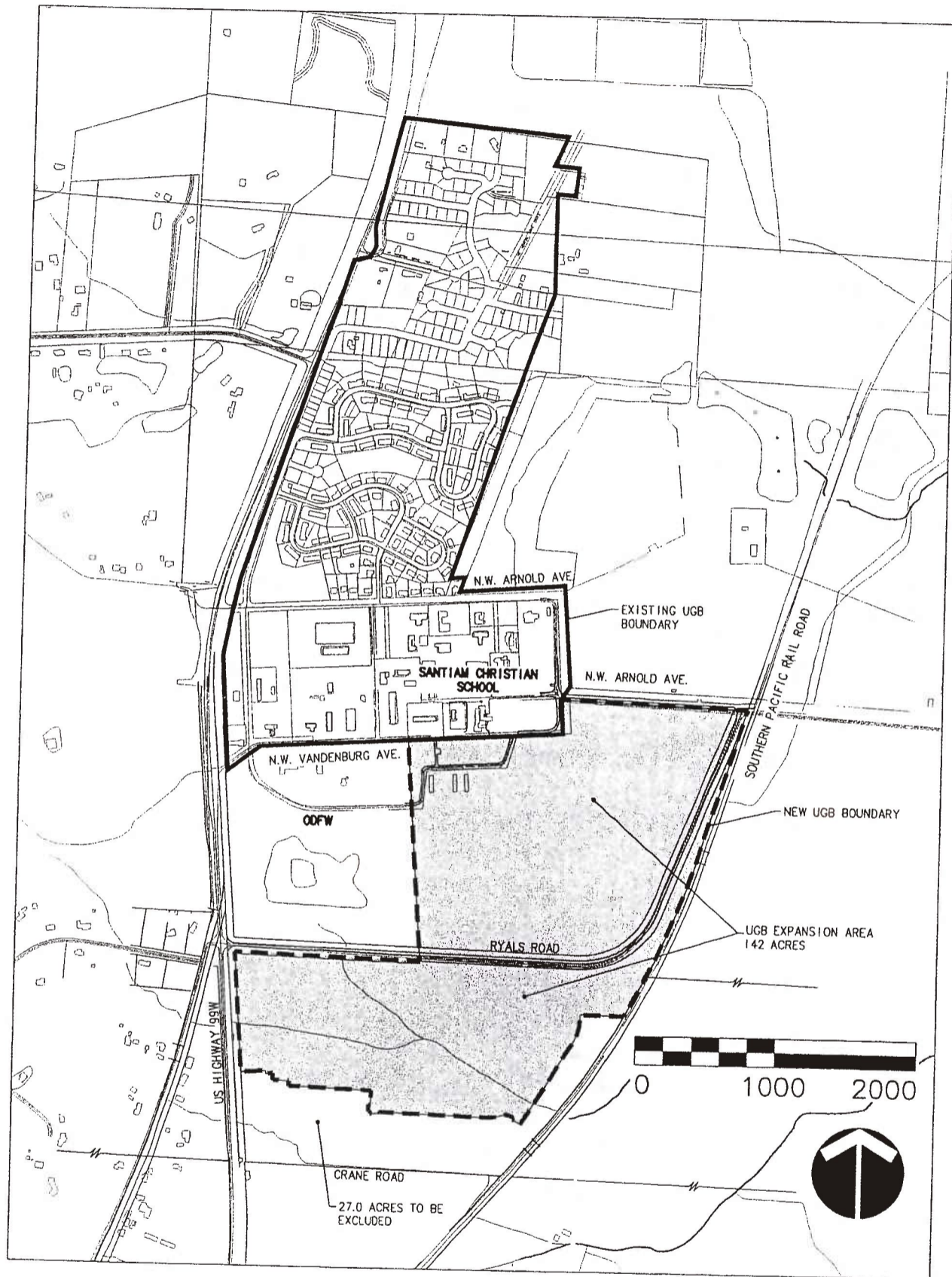


EXHIBIT 3. UGB EXPANSION AREA  
 ADAIR VILLAGE, OREGON

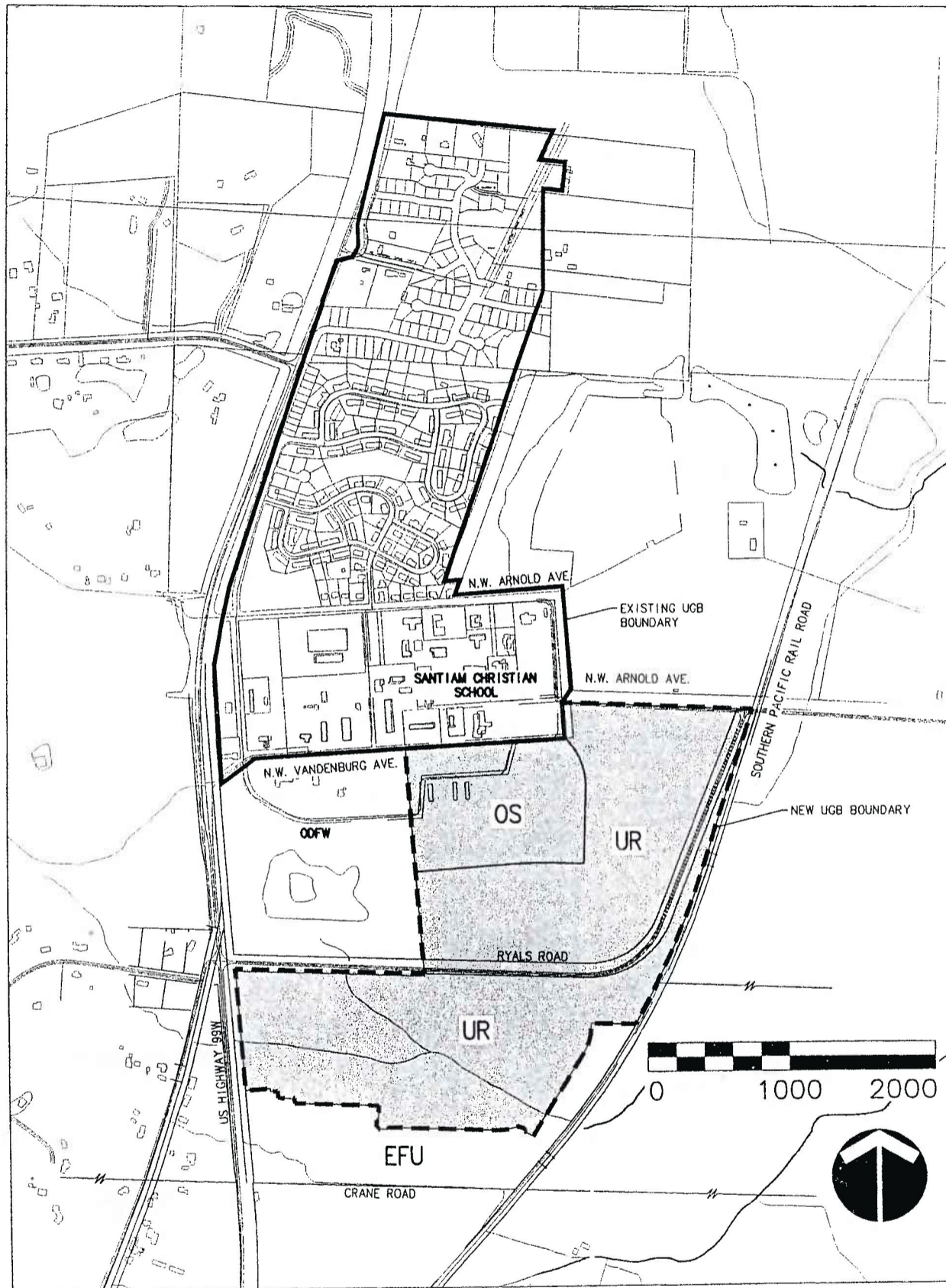


EXHIBIT 4. COMPREHENSIVE PLAN MAP  
 ADAIR VILLAGE, OREGON

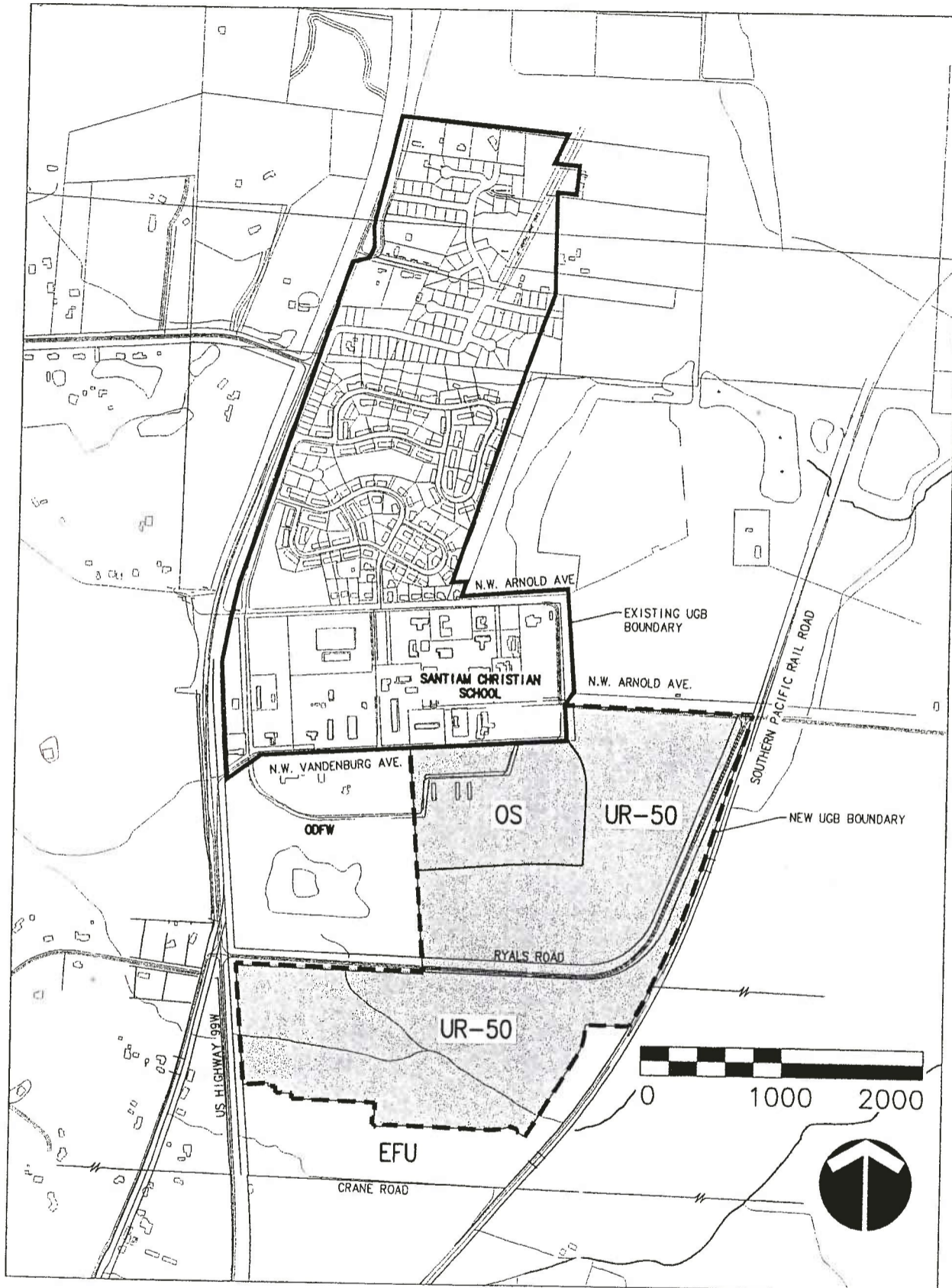


EXHIBIT 5. ZONING MAP  
ADAIR VILLAGE, OREGON