



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

June 12, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Fairview Plan Amendment
DLCD File Number 003-05

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: June 28, 2006

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
Meg Fernekees, DLCD Regional Representative
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator
Tamra DeRidder, City of Fairview

<paa> ya/

FORM 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

DEPT OF

(See reverse side for submittal requirements)

JUN 08 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Fairview Local File No.: 05-94 2C/CPA/SEA
(If no number, use none)

Date of Adoption: March 15, 2006 Date Mailed: May 3, 2006
(Must be filed in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: March 2006 Dec. 19, 2005

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: _____
- (Please Specify Type of Action)

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

70,000 sq ft Area inclusive of parcels & Right of Way likely to be vacated have been approved for Comp Plan Map change from Light Industrial to Residential and Zoning Map from LI-Light Industrial to R-7.5 Residential/Old Town Overlay

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Expanded site Area to include Right of Way.

Plan Map Changed from: Light Industrial to Residential (Low Density)
 Zone Map Changed from: Light Industrial to R-7.5 Residential/Old Town Overlay
 Location: 1 N 3E 280B TC 2006 400 Mall Acres Involved: 1.64
 Specify Density: Previous: Industrial county New: 9 (w/ ROW vacated); 8 (w/out ROW)
 Applicable Statewide Planning Goals: 1, 9, 10, 11, 14
 Was an Exception Adopted? Yes: No:

DLCD File No.: 003-05(14896)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: UP RR;
Metrol; Mult County Transportation

Local Contact: TAMARA McRiddle Area Code + Phone Number: 503-674-6222

Address: 1300 Village St. City: Fairview

Zip Code+4: 97024 Email Address: dmcriddle@fairview.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE
(09-2006)

AN ORDINANCE AMENDING THE CITY OF FAIRVIEW ZONING MAPS, 05-94 CPA-ZC, Church of Rockwood/Vision Development – 1N 3E 28DB Tax Lots 00400 and 00200

WHEREAS, the City of Fairview has previously adopted an acknowledged Comprehensive Plan in compliance with Statewide Planning Goals; and

WHEREAS, this Council continues to recognize that the City's present Comprehensive Plan is not a static document, but rather an essential part of an ongoing process to develop land use Planning and land use based thereupon to the optimum degree possible to reflect the community's ever-changing needs and desires, while giving consideration to the needs and goals of adjoining areas and the concept of reasonable land use Planning coordination; and

WHEREAS, Policy 4 of Fairview's Comprehensive Plan provides opportunity to citizens of Fairview, affected governmental units, interested and affected persons, to initiate or propose Plan changes; and

WHEREAS, under date of November 16, 2006, an application filed by Vision Development, was deemed complete, for a request to amend the City of Fairview Comprehensive Plan Map and Zoning Map for two parcels of property, located at the northerly 500 and 600 block of Depot Street, Assessor's Map 1N 3E 28DB Tax Lots 00200 & 00400, totaling approximately 70,000 square feet, as identified in said application; and

WHEREAS, thereafter, said application was then submitted to the City's Planning Commission and staff to make a full analysis, thereof, which was received and reviewed by the Planning Commission, which held a Public Hearing upon such application on February 28, 2006 after giving due notice in the manner required by law and prescribed in the Fairview Comprehensive Plan; and

WHEREAS, the Planning Commission thereafter found, based on its staff review and analysis and its own review and consideration thereof, that the criteria set forth in the City's Comprehensive Plan did justify the applicant's proposed amendment to the Zoning Map from Light Industrial (LI) to Residential/ Old Town (Overlay Zone) R-7.5. Said change was in compliance with applicable provisions and policies of the city's Comprehensive Plan, as well as applicable Statewide Planning Goals when subject to conditions of approval; and

WHEREAS, this Council has received from the Commission its recommendation and adopted findings, together with the full staff reports and background material,

and has fully reviewed and considered the same; and

WHEREAS, this Council has, pursuant to notice duly given in accordance with applicable Ordinance and statute, held an additional public hearing upon said application for Zoning Map change on March 1, 2006, at which time all interested persons were again given opportunity to be heard thereupon, and upon the close of which this Council did take this matter under advisement; and

WHEREAS, based upon its review and analysis of the Planning Commission's recommendation and findings, its own review of the staff reports, public input received and consideration of all pertinent materials as submitted, this Council does make the following findings:

1. The City of Fairview presently has a Comprehensive Plan adopted and acknowledged for compliance with Statewide Land Use Goals.
2. Said Plan provides for the amendment thereof in accordance with the procedures set forth primarily in Chapter 2, Policy 7.D thereof, and within the above context proposal (application) has been presented and accepted for consideration by the City for the revision or amendment of the Fairview Zoning Map, as amended to date, changing the land use zone of certain described property as hereinafter set forth from Light Industrial (LI) to Residential/ Old Town (Overlay Zone) R-7.5.
3. The proposal for Plan amendment involves 70,000 square feet as designated in Exhibit "A" attached hereto.
4. The pertinent criteria in the Fairview Development Code and the appropriate policies of the Fairview Comprehensive Plan have been met as reflected in the attached staff report.

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1. The Zoning Map is amended to redesignate the lands described in "Exhibit A" from the "Light Industrial (LI)" to the "Residential/ Old Town (Overlay Zone) R-7.5" land use zone, subject to the conditions set forth below in Section 2.

Section 2. The amendment of the Comprehensive Plan Map shall not take effect until both of the following conditions of approval have been met, and the City Administrator has so indicated in writing:

- a. Resolution of the 1979 "illegal" land division of property identified as 1N 3E

28DB Tax Lots 200 & 400, Multnomah County, as approved by City Administrator; and

b. That a master plan for the subject site shall be developed to facilitate coordinated construction of public utilities, including fire protection, be submitted by the applicant and approved by the City prior to issuance of any development or building permits.

First Reading: March 1, 2006

Yes: 4

No: 2

Absent: 1

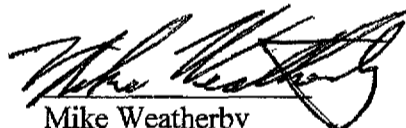
Second Reading and Adoption: March 15, 2006

Yes: 4

No: 2

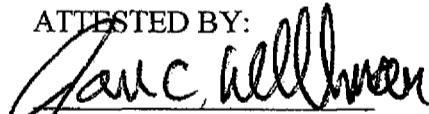
Absent: 1

CITY OF FAIRVIEW



Mike Weatherby
Mayor

ATTESTED BY:



Jan C. Wellman
City Administrator/Recorder

ORDINANCE
(08-2006)

AN ORDINANCE AMENDING THE CITY OF FAIRVIEW
COMPREHENSIVE PLAN MAPS, 05-94 CPA-ZC, Church of Rockwood/Vision
Development – IN 3E 28DB Tax Lots 00400 and 00200

WHEREAS, the City of Fairview has previously adopted an acknowledged Comprehensive Plan in compliance with Statewide Planning Goals; and

WHEREAS, this Council continues to recognize that the City's present Comprehensive Plan is not a static document, but rather an essential part of an on-going process to develop land use Planning and land use based thereupon to the optimum degree possible to reflect the community's ever-changing needs and desires, while giving consideration to the needs and goals of adjoining areas and the concept of reasonable land use Planning coordination; and

WHEREAS, Policy 4 of Fairview's Comprehensive Plan provides opportunity to citizens of Fairview, affected governmental units, interested and affected persons, to initiate or propose Plan changes; and

WHEREAS, under date of November 16, 2006, an application filed by Vision Development, was deemed complete, for a request to amend the City of Fairview Comprehensive Plan Map and Zoning Map for two parcels of property, located at the northerly 500 and 600 block of Depot Street, Assessor's Map IN 3E 28DB Tax Lots 00200 & 00400, totaling approximately 70,000 square feet, as identified in said application; and

WHEREAS, thereafter, said application was then submitted to the City's Planning Commission and staff to make a full analysis, thereof, which was received and reviewed by the Planning Commission, which held a Public Hearing upon such application on February 28, 2006 after giving due notice in the manner required by law and prescribed in the Fairview Comprehensive Plan; and

WHEREAS, the Planning Commission thereafter found, based on its staff review and analysis and its own review and consideration thereof, that the criteria set forth in the City's Comprehensive Plan did justify the applicant's proposed amendment to the Comprehensive Plan Map from Light Industrial to Residential (Low Density). Said change was in compliance with applicable provisions and policies of the city's Comprehensive Plan, as well as applicable Statewide Planning Goals when subject to conditions of approval; and

WHEREAS, this Council has received from the Commission its recommendation and adopted findings, together with the full staff reports and background material,

and has fully reviewed and considered the same; and

WHEREAS, this Council has, pursuant to notice duly given in accordance with applicable Ordinance and statute, held an additional public hearing upon said application for Plan Map change on March 1, 2006, at which time all interested persons were again given opportunity to be heard thereupon, and upon the close of which this Council did take this matter under advisement; and

WHEREAS, based upon its review and analysis of the Planning Commission's recommendation and findings, its own review of the staff reports, public input received and consideration of all pertinent materials as submitted, this Council does make the following findings:

1. The City of Fairview presently has a Comprehensive Plan adopted and acknowledged for compliance with Statewide Land Use Goals.
2. Said Plan provides for the amendment thereof in accordance with the procedures set forth primarily in Chapter 2, Policy 7.D thereof, and within the above context proposal (application) has been presented and accepted for consideration by the City for the revision or amendment of the Fairview Comprehensive Plan, as amended to date, changing the land use designation of certain described property as hereinafter set forth from Light Industrial to Residential (Low Density).
3. The proposal for Plan amendment involves 70,000 square feet as designated in Exhibit "A" attached hereto.
4. The pertinent criteria in the Fairview Development Code and the appropriate policies of the Fairview Comprehensive Plan, have been met as reflected in the attached staff report.

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan Map is amended to redesignate the lands described in "Exhibit A" from the "Light Industrial" to the "Residential (Low Density)" land use designation, subject to the conditions set forth below in Section 2.

Section 2. The amendment of the Comprehensive Plan Map shall not take effect until both of the following conditions of approval have been met, and the City Administrator has so indicated in writing:

- a. Resolution of the 1979 "illegal" land division of property identified as 1N 3E

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b. That a master plan for the subject site shall be developed to facilitate coordinated construction of public utilities, including fire protection, be submitted by the applicant and approved by the City prior to issuance of any development or building permits.

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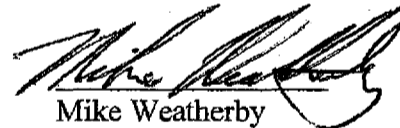
Second Reading and Adoption: March 15, 2006

Yes: 4

No: 2

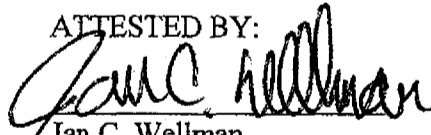
Absent: 1

CITY OF FAIRVIEW

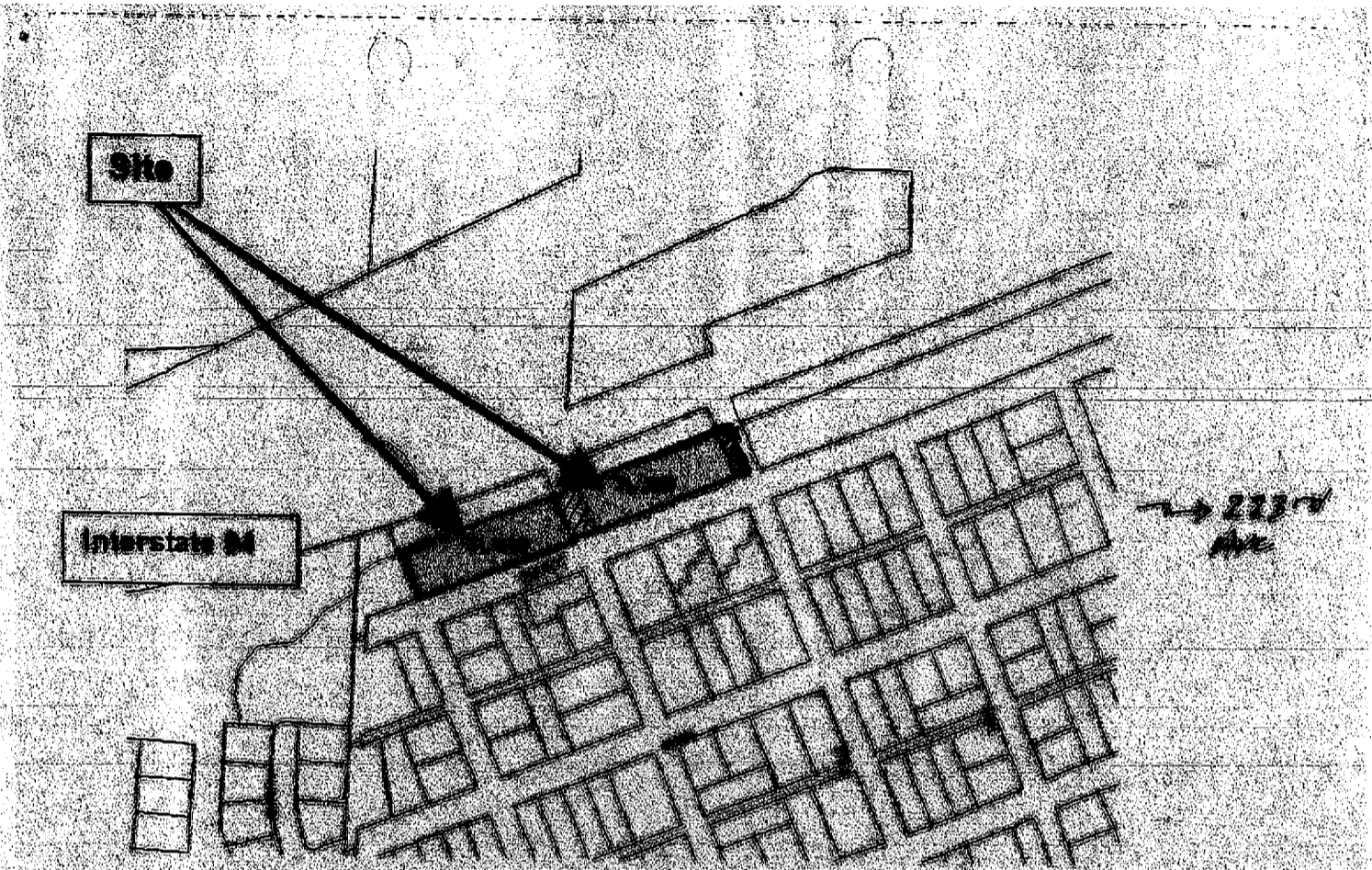


Mike Weatherby
Mayor

ATTESTED BY:



Jan C. Wellman
City Administrator/Recorder



Site Size: ~~62,500~~ 70,000 square feet

62,500 SUBJECT SITE
7,500 PUBLIC ROW

File No. 05-01 - CPA/DC
14 NE 2000 Tax Lots 00400 and 00200
Doped St. between 6th and 7th St.
Fairview, OR

Victor Development - Applicant
Church at Rockwood - Property Owner
Request:
Comprehensive Plan Map Amendment from Light Industrial to Residential
Zone Change from LI, Light Industrial to R 7.5, Residential, Old Town Overlay

EXHIBIT A
05-04-ZC/CPA