



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 15, 2007

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 003-06



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: March 27, 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.

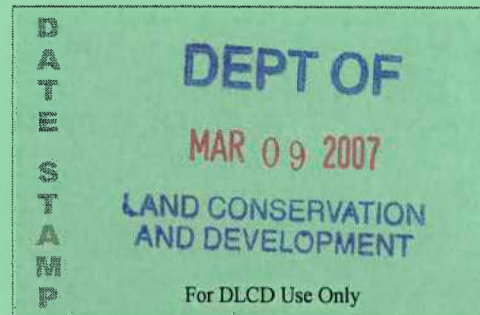
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
John Gessner, City of Fairview

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PROF 2 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: City of Fairview Local file number: 06-73-ZC
Date of Adoption: Feb. 21, 2007 Date Mailed: 3/6/07
Date original Notice of Proposed Amendment was mailed to DLCD: 9/19/06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Adopt "green street" exception to street cross sections.

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".
Same

Plan Map Changed from: w/a to: w/a
Zone Map Changed from: w/a to: w/a
Location: w/a Acres Involved: w/a
Specify Density: Previous: w/a New: w/a
Applicable Statewide Planning Goals: 1,6

Was and Exception Adopted? YES NO

DLCD File No.: 003-06 (15563)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

City of Fairview, Multnomah County

Local Contact: John Gessner Phone: (503) 674-6205 Extension: _____
Address: P.O. Box 337 City: Fairview
Zip Code + 4: 97024- Email Address: gessnerj@ci.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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE 02-2007

AN ORDINANCE OF THE CITY OF FAIRVIEW AMENDING FAIRVIEW MUNICIPAL CODE CHAPTERS 13.30 AND 19.165 BY ADOPTION OF "GREEN STREET" ALTERNATIVE STORMWATER MANAGEMENT MEASURES.

WHEREAS, a committee composed of a citizen representative, two City Councilors and two Planning Commissioners was established to consider Green Street alternative stormwater management methods of road design, and

WHEREAS, the committee met and considered the purpose, costs, benefits, and limitations of alternative stormwater management methods and forwarded a recommendation for adoption of code amendments described herein; and

WHEREAS, legal notifications and notices of the proposed amendments were made in accordance with applicable state and city laws; and

WHEREAS, the Planning Commission held a public hearing on January 9, 2007 to hear and consider the proposed amendments; and

WHEREAS, on January 9, 2007, the Planning Commission adopted a motion recommending the City Council adopt the proposed amendments; and

WHEREAS, the City Council conducted a public hearing on February 21, 2007, in accordance with applicable law; and

WHEREAS, the City Council finds the proposed amendments to be in the public interest by increasing opportunities for improved stormwater treatment and related water quality improvements,

THEREFORE, THE CITY OF FAIRVIEW ORDAINS THE FOLOWING:

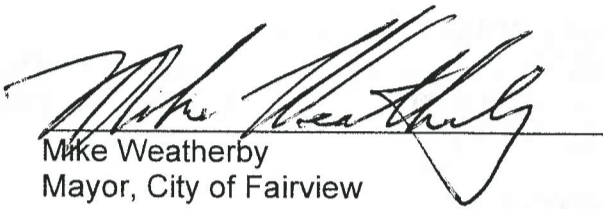
Section 1: Fairview Municipal Code Chapter 13.30 19.165 are hereby amended as shown in Exhibit 1.

Section 2 This ordinance takes effect thirty days after adoption.

Ordinance 02-2007
Page 2 of 4

Passed by the City Council on February 21, 2007.

Approved by the Mayor on February 21, 2007.



Mike Weatherby
Mayor, City of Fairview

ATTEST:

Joseph Gall
City Administrator

EXHIBIT 1

Section 1. Fairview Municipal Code Chapter 19.165 Public Facility Standards is amended as follows.

Explanatory note: The underlined text shows new code language.

Fairview Municipal Code 19.165.010(B)

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the city shall occur in accordance with the standards of this chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this chapter. The street cross sections shown in Figures 19.165 (F)(1) through 19.165 (F)(6) may be modified to accommodate alternative stormwater management methods in accordance with the adopted stormwater design manual subject to the approval of the Public Works Director. The Public Works Director may require modification of the typical cross section to accommodate alternative stormwater management methods when associated with development proposals. Such modifications may be applied as conditions of development approval.

Section 2. Fairview Municipal Code Chapter 13.30 Storm Drainage is amended as follows.

Explanatory note: Section 13.30.040 (A)(2) and paragraph (B) are new provisions, which impose maintenance responsibilities upon responsible parties. Underlined text shows new code language. ~~Strikethrough~~ text shows deletions.

13.30.040 Private responsibility.

A. A storm drainage facility to be managed by the person responsible includes but is not limited to:

1. A storm drainage facility not located on city-owned property, city right-of-way, or city easement;

2. A drainage facility located on city property, public right-of-way, or city easement required as a condition of development approval or otherwise needed to comply with city storm drainage requirements;

~~23.~~ A private parking lot storm drain;

~~34.~~ Any roof, footing, or area drain;

~~45.~~ A storm drainage facility not designed and constructed for use by the general public;

~~56.~~ Access drive culverts in the public right-of-way or on private property;

~~67.~~ A retention system in the construction of which the city did not financially participate.

B. Any person responsible for a facility defined in subsection A of this section shall maintain it so as to prevent flooding or damage to other property not owned or controlled by the person responsible and to prevent injury to any person on property not owned or controlled by the person responsible, and shall maintain the facility's stormwater management function.

C. The failure of any person responsible to comply with the obligation stated in subsection A or B of this section is a violation.

D. The conditions on private property which may result in situations proscribed by subsection B of this section are declared to be a danger to public health and safety and therefore are a nuisance, to be abated as provided in FMC 8.10.070.

~end~