



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

05/16/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Fairview Plan Amendment
DLCD File Number 001-11

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: Friday, May 27, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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.

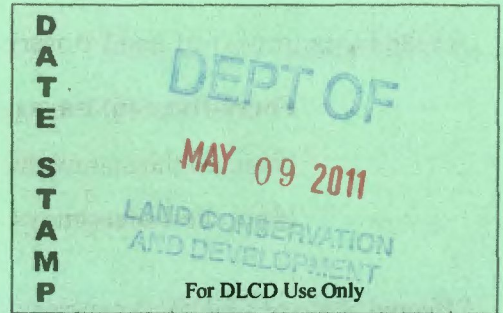
***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lindsey Nesbitt, City of Fairview
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

FORM 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: 2011-8-ZC
Date of Adoption: 5/4/2011 Date Mailed: 5/6/2011
Date original Notice of Proposed Amendment was mailed to DLCD: 3/10/2011

- 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".

Add an additional 1 year extension for the final plat filing deadline for preliminary plats approved in 2007 and 2008

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: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: Citywide Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goal 2 Land Use Planning

Was an Exception Adopted? YES NO

DLCD File No.: 001-11 (18750) [16639]

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:

Local Contact: Lindsey Nesbitt Phone: (503) 674-6230 Extension: _____

Address: 1300 NE Village Street City: Fairview

Zip Code + 4: 97024-3817 Email Address: nesbittl@ci.fairview.or.u

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.

Attachment 1

ORDINANCE
(10-2011)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRVIEW, OREGON
AMENDING THE FAIRVIEW MUNICIPAL CODE SECTIONS 19.430.130(D)
MODIFICATIONS AND EXTENSIONS**

WHEREAS, a public hearing was held by the Planning Commission on April 26, 2011 and by the City Council on May 4, 2011, and

WHEREAS, public notice was provided in accordance with Fairview Municipal Code 19.413.040 and ORS 197.610, and

WHEREAS, amendments were made to 19.430.130(D) in 2010 authorizing an additional 1 year extension for the filing of the final plat, and

WHEREAS, amendments to 19.430.130(D) authorize the City Administrator to grant an additional one year extension for the filing of a final plat for preliminary plats approved in 2007 and 2008, and

NOW, THEREFORE THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS: The Fairview Municipal Code is amended as follows:

Insert underlined words. Delete words in ~~striketrough~~.

FMC 19.430.130 D. ~~Modifications and Extensions.~~

The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 19.415 FMC, Modifications.

FMC 19.430.130 E. Extensions.

The city administrator or his or her designee shall, upon written request by the applicant and payment of the required fee, grant up to two one-year extensions of the approval period not to exceed one year each. For a preliminary plat approved in 2007 or 2008, the city administrator or the administrator's designee may approve a third one-year extension.

All extensions are subject to the following: provided, that:

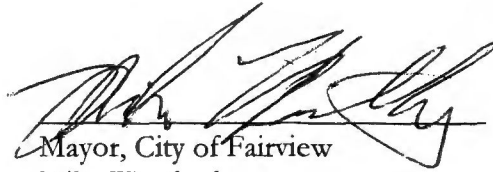
1. Any changes to the preliminary plat follow the procedures in Chapter 19.415 FMC;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

6. The fee shall be paid for each extension request.

[Then renumber the existing 19.430.130.E to 19.430.130.F]

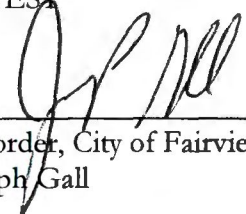
This ordinance is effective thirty days from its passage.

Motion adopted by the City Council of the City of Fairview this 4th day of May 2011.



Mayor, City of Fairview
Mike Weatherby

ATTEST



Recorder, City of Fairview
Joseph Gall



1300 NE VILLAGE ST. P.O. BOX 337
FAIRVIEW, OREGON 97024



ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION & DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-254

MAY 09 2011

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