



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 30, 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 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 16, 2007

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.

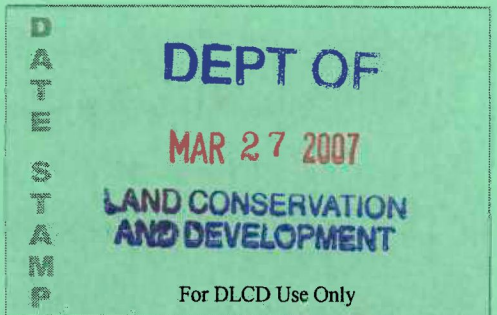
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Amanda Punton, Dlcd Natural Resource Specialist
John Gessner, City of Fairview

<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: 06-60-ZC & 06-61-CPA
Date of Adoption: 3/21/2007 Date Mailed: 3/26/2007
Date original Notice of Proposed Amendment was mailed to DLCD: 8/18/2006

- 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".
Change comprehensive plan and zoning designations from industrial to commercial.

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: Industrial to: Commercial
Zone Map Changed from: General Industrial to: Commercial Corridor
Location: NE Sandy & NE 230th Acres Involved: 14.12
Specify Density: Previous: n/a New: n/a
Applicable Statewide Planning Goals: 1,2,9,12

Was an Exception Adopted? YES NO

DLCD File No.: 002-06 (15477)

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: **1300 NE Village Street** City: **Fairview**
Zip Code + 4: **97204-** Email Address: **gessnerj@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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE
(04-2007)

AN ORDINANCE AMENDING THE CITY OF FAIRVIEW COMPREHENSIVE
PLAN MAP FOR CERTAIN PROPERTIES LOCATED ON
SANDY BOULEVARD AND 230TH AVENUE.

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

WHEREAS, the Comprehensive Plan is not a static document, but rather an essential part of an on-going process to develop land use planning to reflect the community's changing conditions, needs and desires; and

WHEREAS, Fairview's Comprehensive Plan, Chapter 2, Policy 7 provides opportunity to citizens of Fairview, affected governmental units, interested and affected persons, to review Plan changes; and

WHEREAS, the applicant submitted an application to amend the Comprehensive Plan Land Use designation from Industrial to Commercial for the following tax lots: 1N3E 27B lots 300, 1004, and 1100 and 1N3E 27AC Lot 1000; and

WHEREAS, the application was reviewed by the Planning Commission at public hearings held on January 9, 2007 and February 13, 2007 after giving due notice in the manner required by law and prescribed in the Fairview Comprehensive Plan; and

WHEREAS, the Planning Commission found that the applicant demonstrated compliance with Comprehensive Plan, Chapter 2, Policy 7 and Fairview Municipal Code sections 19.205 Amendments and 19.470 Land Use District Map and Text Amendments, as well as applicable Statewide Planning Goals; and

WHEREAS, the City 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, the City Council has, pursuant to notice duly given in accordance with applicable Ordinance and statute, held an additional public hearing concerning this proposed Comprehensive Plan Map change on March 21, 2007, at which time all interested persons were again given opportunity to be heard; and

WHEREAS, Metro Code Section 3.07.450 (C) authorizes cities to amend their Comprehensive Plans to allow uses not authorized by Title 4 of the Metro Urban Growth Management Function Plan; and

WHEREAS, the City Council considered and accepted that applicant's analysis that demonstrates compliance with Metro Code Section 3.07.450 (C); and

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

1. The City of Fairview presently has a Comprehensive Plan adopted and acknowledged for compliance with Statewide Land Use Goals.
3. The proposed Plan amendment involves 14.12 acres as shown on Exhibit "A" attached hereto.
4. The applicable criteria in the Fairview Municipal Code and the relevant policies of the Fairview Comprehensive Plan have been satisfied as demonstrated in the record of the public hearings conducted by the Planning Commission and City Council.

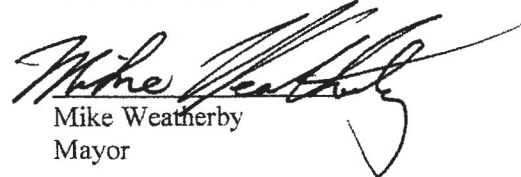
NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan Map is amended by changing the lands described in Exhibit A from the "Industrial" land use designation to the "Commercial" land use designation.


First Reading: March 21, 2007

Second Reading and Adoption: March 21, 2007

CITY OF FAIRVIEW


Mike Weatherby
Mayor

ATTESTED BY:

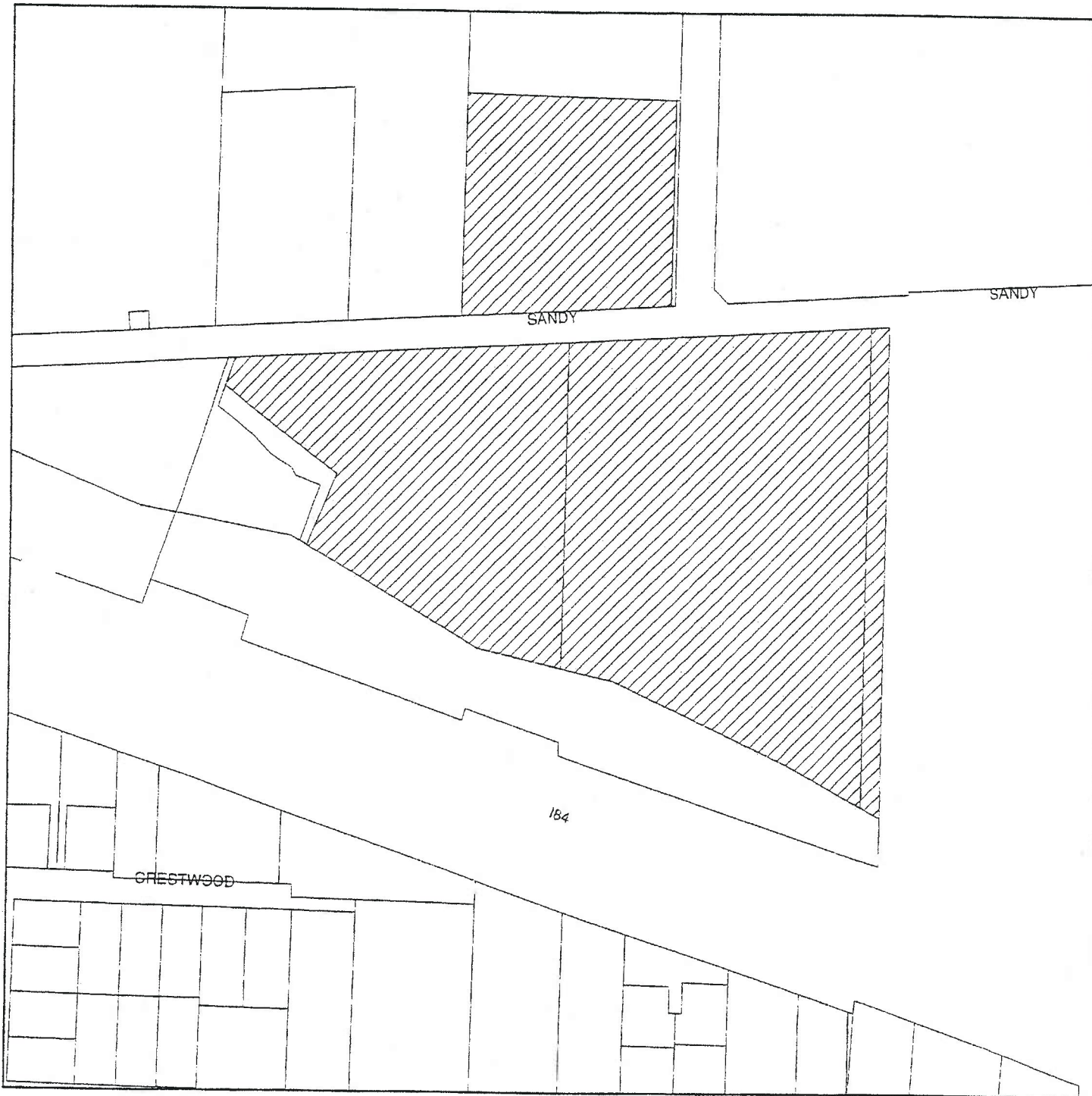

Joseph Gall
City Administrator/Recorder

Ordinance 04-2007

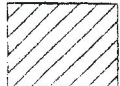
March 21, 2007

Exhibit A

Comprehensive Plan Map Amendment



0 50 100 200 Feet

 "Industrial" to "Commercial"

ORDINANCE
(05-2007)

AN ORDINANCE AMENDING THE CITY OF FAIRVIEW
ZONING MAP FOR CERTAIN PROPERTIES LOCATED ON
SANDY BOULEVARD AND 230TH AVENUE.

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

WHEREAS, the applicant submitted an application to amend the Zoning Map designation from Industrial to Corridor Commercial for the following tax lots: 1N3E 27B lots 300, 1004, and 1100, and 1N3E 27AC Lot 1000; and

WHEREAS, the application was reviewed by the Planning Commission at public hearings held on January 9, 2007 and February 13, 2007 after giving due notice in the manner required by law and prescribed in the Fairview Municipal Code; and

WHEREAS, the Planning Commission found that the applicant demonstrated compliance with Fairview Municipal Code sections 19.205 Amendments and 19.470 Land Use District Map and Text Amendments, as well as applicable Statewide Planning Goals; and

WHEREAS, the City 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, Metro Code Section 3.07.450 (C) authorizes cities to amend their Zoning Maps to allow uses not authorized by Title 4 of the Metro Urban Growth Management Function Plan; and

WHEREAS, the City Council considered and accepted that applicant's analysis that demonstrates compliance with Metro Code Section 3.07.450 (C); and

WHEREAS, on March 21, 2007, the City Council adopted Ordinance 4-2007 amending the Comprehensive Plan Map for the subject area; and

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

1. The City of Fairview presently has a Comprehensive Plan adopted and acknowledged for compliance with Statewide Land Use Goals.
3. The proposed Plan amendment involves 14.12 acres as shown on Exhibit "A" attached hereto.
4. The applicable criteria in the Fairview Municipal Code and the relevant policies of the Fairview Comprehensive Plan have been satisfied as demonstrated in the

record of the public hearings conducted by the Planning Commission and City Council.

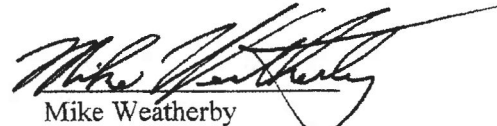
NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1. The Zoning Map is amended by changing the lands described in Exhibit A from the "General Industrial" land use designation to the "Corridor Commercial" land use designation.

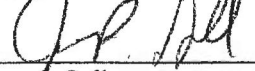
First Reading: March 21, 2007

Second Reading and Adoption: March 21, 2007

CITY OF FAIRVIEW

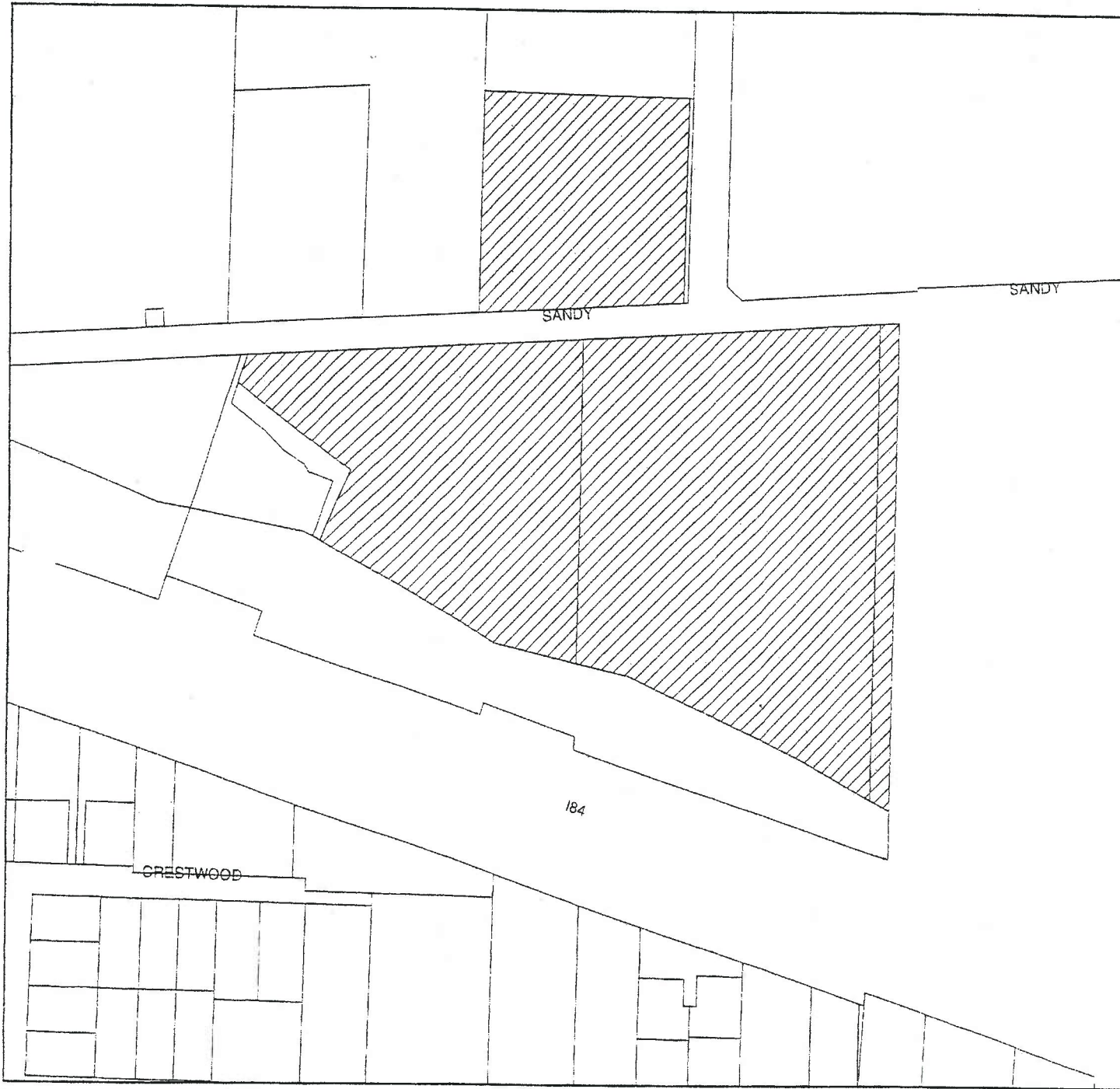

Mike Weatherby
Mayor

ATTESTED BY:

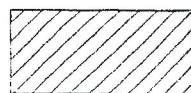

Joseph Gall
City Administrator/Recorder

Ordinance 05-2007
Exhibit A
Zoning Map Amendment

March 21, 2007



0 50 100 200 Feet



" General Industrial" to "Corridor Commercial"