



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



NOTICE OF ADOPTED AMENDMENT

12/01/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Central Point Plan Amendment
DLCD File Number 001-10

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: Wednesday, December 15, 2010

This amendment was submitted to DLCD for review 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 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: Didi Thomas, City of Central Point
Gloria Gardiner, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Urban Planner
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

NOV 26 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Central Point**

Local file number: 11001

Date of Adoption: November 18, 2010

Date Mailed: November 24, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: Aug.17, 2010

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".

Code amendment to review and process time extension requests of approved land use applications. CPMC Sections: 17.05.200 Applications and Types of Review Procedures: add (E), TOD 17.66.070, PUD 17.68.060, Site Plan 17.72.070, CUP 17.76.040

Title 16 Subdivisions: Sections 16.10.010: reduce the number of tentative plan copies 10 to 3. 16.010.091 Extension: time extension requests, 16.12.010 Submission of final: reduce the number final copies 10 to 3; 16.12.060 Final Plat approval: phase development language moved to 16.10.091 and added for code and plan compliance.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

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 file No. 001-10 (18477) [16433]

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

None

Local Contact: Connie Clune

Phone: (541) 423-1048 Extension:

Address: 140 S. Third Street

Fax Number: 541-664-6384

City: Central Point, OR Zip: 97502

E-mail Address: Didi.Thomas@centralpointoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD** 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#)).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#)).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#)).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 1941

AN ORDINANCE AMENDING CHAPTERS 16.10 TENTATIVE PLANS; 16.12 FINAL PLATS; CHAPTERS 17.05 APPLICATIONS AND TYPES OF REVIEW; 17.66 APPLICATION REVIEW PROCESS FOR THE TOD DISTRICT AND CORRIDOR; 17.68 PLANNED UNIT DEVELOPMENT (PUD); 17.72 SITE PLAN, LANDSCAPING AND CONSTRUCTION PLAN, AND 17.76 CONDITIONAL USE PERMITS OF THE CENTRAL POINT MUNICIPAL CODE TO PROVIDE UNIFORM LAND DEVELOPMENT APPROVAL EXPIRATION DATES AND A PROCESS FOR REVIEW OF TIME EXTENSION REQUESTS.

RECITALS:

A. Pursuant to the requirements set forth in CPMC Sections 17.05 and 17.10, the City has conducted the following duly advertised public hearings to consider proposed amendments:

1. Planning Commission hearing on October 5, 2010.
2. City Council hearing on October 28, 2010.

B. At the public hearing on October 28, 2010, the City Council reviewed the staff report, received the findings of the Central Point Planning Commission, and received public testimony from all interested persons. Based upon all of the information received, the City Council adopts the findings and conclusions set forth in the staff report dated October 28, 2010, and based upon the same, the City Council finds that there is sufficient public need and justification for the proposed text amendments.

C. The City Administrator is directed to conduct post acknowledgement procedures defined in ORS 197.610 et seq. upon adoption of the changes to the municipal code.

D. Words ~~lined through~~ in the following ordinance are to be deleted and words **in bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

Section 1. Table 17.05.1 in Section 17.05.100 of the Central Point Municipal Code is amended by adding a row after Conditional Use Permit that reads "Extension Request" in the Approvals column, "Type I" in the Review Procedures column and "Chapter 17.05" in the Applicable Regulations column.

Extension Request	Type I	Chapter 17.05
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Section 2. Table 17.05.1 in Section 17.05.100 of the Central Point Municipal Code is amended by changing "Type II" to "Type I" for a Final Plat in the row above Land Use Review.

Final Plat	Type II	Chapter 16.12
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Section 3. Table 17.05.1 in Section 17.05.100 of the Central Point Municipal Code is amended by changing "Type II" to "Type I" for a Final Plat in the row above Right of Way Vacation.

Final Plat	Type I	Chapter 16.12
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Section 4. Subsections E is added to Section 17.05.200 of the Central Point Municipal Code:

E. Extension. The community development director shall, upon written request by the applicant and payment of the required fee, grant a written one year extension of the approval period provided that:

1. No changes are made to the original application as approved by the City;
2. There have been no changes in the Code or Comprehensive Plan provisions on which the approval was based. In the case where the plan conflicts with a code or Comprehensive Plan change, the extension shall be either:
 - a. Denied; or
 - b. At the discretion of the community development director re-reviewed as a modification per Section 17.09.300.
3. The extension request is made before expiration of the original approved plan.
4. If the time limit expired and no extension has been granted, the application shall be void.

Section 5. Section 17.66.070 of the Central Point Municipal Code is amended to read:

17.66.070 Approval expiration.

A. Application approvals granted according to the provisions of this chapter ~~shall be valid for the following time periods, unless a longer time period is specified in the approval.~~

1. ~~Master plan two years for the first phase and ten years for all subsequent phases, if any.~~
2. ~~Site plan, landscape plan and construction plan; land division; and conditional use one year.~~

shall expire and become void one year from the date on which it was issued unless:

1. An application for extension is filed and approved subject to the requirements of Chapter 17.05, or
2. Building permits for the development have been issued and construction diligently pursued to initiate construction.

~~B. Application approvals shall expire if building permits to initiate construction or final plat approval have not been obtained within the time allowed in Section 17.66.070(A). (Ord. 1815 §1(part), Exh. B(part), 2000).~~

B. If the time limit for development expired and no extension has been granted, the application shall be void.

Section 6. Subsections I and J are added to Section 17.68.050 of the Central Point Municipal Code:

I. A preliminary (tentative) plan approval shall expire and become void one year from the date on which it was issued unless the final development plan has been approved pursuant to Section 17.68.060 or an application for extension is filed and approved subject to the requirements of Section 17.05.

J. If the time limit for development expired and no extension has been granted, the tentative PUD plan shall be void.

Section 7. Section 17.68.060 of the Central Point Municipal Code is amended to read:

17.68.060 Final development plan.

~~A. Within six months following the approval of the preliminary development plan, the applicant shall file a final development plan with the city, containing in final form the information required in the preliminary plan. The same shall be reviewed by the planning commission and decided by the city council as set forth in Chapter 17.05 of this code. The council may, in its discretion and for a good cause, extend for six months the period for the filing of the final development plan.~~

B. The permit for a PUD final approved development plan shall expire and become void one year from the date on which it was issued unless an application for extension is filed and approved subject to the requirements of Chapter 17.05. The one year shall commence with approval of the final development plan.

~~C. Within thirty days after the granting of a permit from a PUD the permit application file number shall be indicated on the zone map on the lot or lots affected by such permit.~~

~~D.C. The final development plan shall continue to control the planned unit development after it is finished. (Ord. 1631 §2, 1990; Ord. 1615 §69, 1989).~~

Section 8. Section 17.68.070 of the Central Point Municipal Code is amended to read:

17.68.070 Control of the PUD during and after completion.

If the city council finds evidence of a major deviation from the preliminary or final development plan, it shall advise the applicant to submit an application to the planning commission for amendment to the planned unit development pursuant to Chapter 17.09.

An amendment shall be considered in the same manner as an original application.

Section 9. Subsection A and B of Section 17.72.070 of the Central Point Municipal Code is amended to read:

17.72.070 Expiration.

A. A site plan approval shall lapse and become void one year following the date on which it became effective unless, ~~by conditions of the site plan approval, a greater or lesser time is prescribed as a condition of approval, or unless~~ prior to the expiration of one year, a building permit is issued by the building inspector and construction is commenced and diligently pursued toward completion. The **community development director** ~~planning commission~~ may extend the site plan approval for an additional period of one year, subject to the requirements of **Chapter 17.05. Section 17.76.040.**

B. If ~~an established~~ the time limit for development expired and no extension has been granted, the site plan approval shall be void. (Ord. 1684 §70, 1993).

Section 10. Subsections B and C of Section 17.76.060 of the Central Point Municipal Code is amended to read:

17.76.060 Expiration.

B. The ~~planning commission~~ **community development director** may extend the conditional use permit for an additional period of one year, subject to the requirements of **Chapter 17.05. Section 17.76.040.**

C. If ~~an established~~ the time limit for development expired and no extension has been granted, the conditional use permit shall be void. (Ord. 1684 §73, 1993; Ord. 1436 §2(part), 1981).

Section 11. Section 16.10.010 of the Central Point Municipal Code is amended to read:

16.10.010 Submission of application--Filing fee.

The applicant shall submit an application and tentative plan together with improvement plans and other supplementary material as may be required to indicate the development plan and shall submit ten copies to the city together with a filing fee defined in the city's adopted planning application fee schedule. The diagrams submitted shall consist of ~~ten~~ **three** copies at the scale specified in Section 16.10.020 and one copy in an eight-and-one-half-inch by eleven-inch format. (Ord. 1786 §4, 1998; Ord. 1684 §6, 1993; Ord. 1650(part), 1990).

Section 12. Section 16.10.080 of the Central Point Municipal Code is amended to read:

16.10.080 Tentative plan approval.

A. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision or partition for recording; however, approval of the tentative plan shall be binding upon city for the purpose of the approval of the final plat if the final plat is in

substantial compliance with the tentative plan and any conditions of approval thereof. ~~The action of the council in approving the tentative plan shall be noted on two copies thereof, including reference to any attached documents describing any conditions. One copy of the tentative plan shall be returned to the applicant and the other retained in the city files with a memorandum setting forth the action of the council.~~ (Ord. 1650(part), 1990). **A tentative plan approval shall expire and become void one year from the date on which it was issued unless the final plat has been approved pursuant to Chapter 16.12 or an application for extension is filed and approved subject to the requirements of Sections 16.10.100 and Chapter 17.05.**

B. When it is the intent to develop a tentative plan and record a final plat in phases, the city, at the time of tentative plan approval, may authorize a time schedule for platting the various phases in periods exceeding one year, but in no case shall the total time period for platting all phases be greater than five years without review of the tentative plan for compliance with the current code and comprehensive plan. Each phase so platted shall conform to the applicable requirements of this chapter. Phases platted after the passage of one year from approval of the tentative plan will be required to modify the tentative plan as necessary to avoid conflicts with changes in the comprehensive plan or this chapter.

Section 13. The following Section 16.10.100 is added to the Central Point Municipal Code:

16.10.100 Extension

A. The community development director shall, upon written request by the applicant and payment of the required fee, grant a written one year extension of the approval period provided that:

- 1. No changes are made to the original plan application as approved by the City;**
- 2. There have been no changes in the Code or Comprehensive Plan provisions on which the approval was based. In the case where the plan conflicts with a code or plan change, the extension shall be either:
 - a. Denied; or**
 - b. At the discretion of the community development director re-reviewed as a modification per Section 17.09.300.****
- 3. The extension request is made before expiration of the original approved plan.**

B. If the time limit expired and no extension has been granted, the tentative plan shall be void.

Section 14. Section 16.12.010 of the Central Point Municipal Code is amended to read:

16.12.010 Submission--Procedure.

Within one year after approval of the tentative plan, the applicant shall cause the subdivision to be surveyed and a final plat prepared **and approved** in conformance with the **approved** tentative plan. ~~as approved.~~ The applicant shall submit the final plat as required by state law and this title, ~~ten~~ **three** prints thereof, one eight-and-one-half-inch by eleven-inch reduction thereof, and any supplementary information, including any proposed separate document imposing further land use restrictions in the area. (Ord. 1684 §8, 1993; Ord. 1650(part), 1990).

Section 15. Section 16.12.060 of the Central Point Municipal Code is amended to read:

16.12.060 Final plat approval.

A. Review and approval or denial of final plats shall be made by city staff, ~~unless staff, in its discretion, refers the application to the planning commission for decision.~~ Final plat approval shall be evidenced by signature of an authorized city representative on the original plat. The approval of the final plat by the city shall not be deemed to constitute or effect an acceptance for maintenance responsibility of any street or easement or way shown on the final plat.

~~B. When it is the intent to record a final plat and develop a tentative plan land division in phases, city staff may authorize a time schedule for platting the various phases in periods exceeding one year, but in no case shall the total time period for platting all phases be greater than five years without having to resubmit the tentative plan. Each phase so platted shall conform to the applicable requirements of this chapter. Phases platted after the passage of one year from approval of the tentative plan will be required to modify the tentative plan as necessary to avoid conflicts with changes in the comprehensive plan or this chapter. (Ord. 1778 §1, 1997; Ord. 1739 §3, 1996; Ord. 1684 §9, 1993; Ord. 1650 (part), 1990).~~

PASSED by the City Council and signed by me in authentication of its passage this 18th day of November, 2010.



Mayor Hank Williams

ATTEST:



City Representative

Approved by me this 18th day of November, 2010.



Mayor Hank Williams

City of Central Point
140 S. Third Street
Central Point, OR 97502



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11/24/2010

Mailed From 97502

US POSTAGE

Attn: Plan Amend. Specialist
DLCD
635 Capitol St NE, Ste 150
Salem, OR 97301-2540