



Oregon

Theodore R. Kubongoski, 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

5/17/2010

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

FROM: Plan Amendment Program Specialis

SUBJECT: City of Fairview Plan Amendment
DLCD File Number 002-10

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: Friday, May 28, 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: Lindsey Nesbitt, City of Fairview
Gloria Gardiner, DLCD Urban Planning Specialist

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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 650 - DIVISION 18

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DEPT OF

MAY 10 2010

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Fairview Local file number: 2010-7-ZC

Date of Adoption: 5/5/2010 Date Mailed: 5/7/2010

Date original Notice of Proposed Amendment was mailed to DLCD: 2/10/2010

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

Minor amendments to 3 discrepancies in the Municipal Code: clarify maximum setback between accessory structures and primary structures, clarify maximum floor area for accessory dwelling units when constructed above a detached garage, and establish maximum number of allowed compact parking spaces. Add an additional 1 year extension for the final plat filing deadline.

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.: 002-10 (18107) [16120]

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@cl.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.

ORDINANCE
(3-2010)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRVIEW, FAIRVIEW, OREGON AMENDING THE FAIRVIEW MUNICIPAL CODE SECTIONS 19.430.130(D) MODIFICATIONS AND EXTENSIONS, 19.30.110(B) ACCESSORY DWELLINGS AND 19.30.110(G) ACCESSORY USES AND STRUCTURES, 19.30.030(E) SPECIAL YARDS, AND 19.164.030(F) PARKING STALL STANDARD DIMENSIONS AND COMPACT PARKING SPACES .

WHEREAS, a public hearing was held by the Planning Commission on April 13, 2010 and by the City Council on May 5, 2010, and

WHEREAS, public notice was provided in accordance with Fairview Municipal Code and ORS 227.186, and

WHEREAS, the amendments correct the inconsistencies in the Fairview Municipal Code Sections 19.430.130(D), 19.30.110(B) and (G), 19.30.030(E), and 19.164.030(F), 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, and

WHEREAS, amendments to 19.30.110(B) and (G) stipulate maximum floor area when accessory dwelling units are constructed above detached garages, and

WHEREAS, amendments to 19.30.030(E) stipulates that all accessory structures are exempt from the twelve foot minimum separation requirement, and

WHEREAS, amendments to 19.164.030(F) stipulates the maximum number of allowable compact spaces that may be installed in parking areas.

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

Insert underlined words. Delete words in ~~strikethrough~~

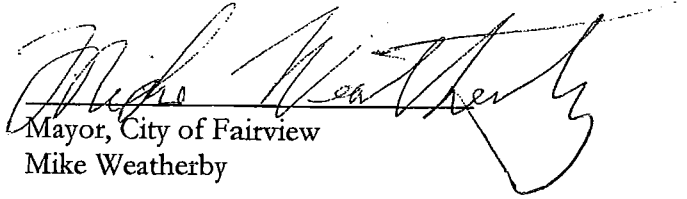
Section 1 19.430.130(D) Modifications and Extensions
The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 19.460 FMC, Modifications. The city administrator or his or her designee shall, upon written request by the applicant and payment of the required fee, grant one up to two one-year extensions of the approval period not to exceed one year each; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 19.460 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.

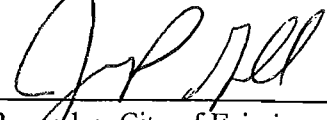
- Section 2 19.30.110(B)(4) Accessory Dwellings
 Floor Area. The total square footage of the accessory dwelling shall not exceed 800 square feet. On a lot less than one acre, an accessory dwelling unit may be constructed above a detached garage. However, the floor area of the accessory dwelling unit cannot exceed 800 square feet and the floor area of the detached garage, excluding the accessory dwelling unit, cannot exceed 1,000 square feet;
- Section 3 19.30.110(G)(6)(c)(iv) Accessory Uses and Structures
 The maximum size of an accessory structure on a lot up to one acre in size is 1,000 square feet. Lots larger than one acre shall have no accessory building size limit except as provided elsewhere in this code. An accessory dwelling unit may be combined with a detached garage as a second level unit on a lot up to one acre in size, provided the floor area of the accessory dwelling unit does not exceed 800 square feet and the floor area of the garage, excluding the accessory unit, does not exceed 1,000 square feet.
- Section 4 19.30.030(E) Special Yards
 Distance between Buildings on the Same Lot.
 To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be no less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space. This standard does not apply to detached garages, and accessory dwelling units, and other accessory structures.
- Section 5 19.164.030(F) Parking Stall Standard Dimensions and Compact Parking Spaces
 All off-street parking stalls shall be improved to conform to city standards for surfacing, stormwater management and striping, and provide dimensions in accordance with the following table. Disabled person parking shall conform to the standards and dimensions of this chapter. The number of compact parking spaces shall not exceed 40% of all parking spaces provided on site.
- Section 6 This ordinance is effective thirty days from its passage.

Motion adopted by the City Council of the City of Fairview this 5th day of May 2010.



Mayor, City of Fairview
Mike Weatherby

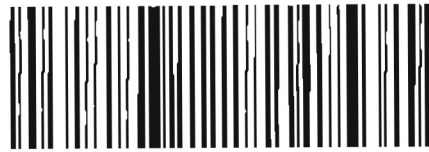
ATTEST



Recorder, City of Fairview
Joseph Gall



CERTIFIED MAIL™



7009 0960 0000 0931 1582



Attention: Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

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