



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

06/01/2012

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 001-12

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: Thursday, June 14, 2012

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: Lindsay Nesbitt, City of Fairview  
Gordon Howard, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

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

In person  electronic  mailed

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**DEPT OF**

**MAY 29 2012**

**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **Fairview**

Local file number: **12-6-ZC**

Date of Adoption: **5/16/2012**

Date Mailed: **5/22/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **2/17/2012**

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".

1. Establish a 2 year time limit for approval of land use application decisions.
2. Modify DLCD notice requirements from 45 days to 35 days prior to the first evidentiary hearing.
3. Increase the size of accessory structures from 120 square feet, allowing reduced setbacks.
4. Amending repetitive code language from Section 19.400 that was a remnant from a 2009 code update project.

Does the Adoption differ from proposal? Yes, Please explain below:

Yes, item number 4 listed above was added after the first notice was sent out to DLCD.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

- |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 001-12 (19152) [17056]

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**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Lindsey Nesbitt**

Phone: **(503) 674-6230** Extension:

Address: **1300 NE Village Street**

Fax Number: **503-667-7866**

City: **Fairview**

Zip: **97024-**

E-mail Address: **nesbittl@ci.fairview.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

**ORDINANCE**  
**(1-2012)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRVIEW,  
FAIRVIEW, OREGON AMENDING FAIRVIEW MUNICIPAL CODE SECTION  
19.400.030 TIME LIMIT ON LAND USE DECISIONS FOR APPROVAL,  
SECTION 19.413.040 TYPE IV PROCEDURES, SECTION 19.413.020 TYPE II  
ADMINISTRATIVE REVIEW AND SECTION 19.30.110(g) ACCESSORY USES  
AND STRUCTURES.**

**WHEREAS**, a public hearing was held by the Planning Commission on April 10, 2012 and by the City Council on May 16, 2012, 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 19.400.030, 19.413.040, 19.413.020 and 19.30.110(G), and

**WHEREAS**, amendments to 400.030 establish a two year time limit for approved land use decisions, and

**WHEREAS**, amendments to 19.413.020 delete redundant code language, and

**WHEREAS**, amendments to 19.413.040 bring the Department of Land Conservation notice requirements into compliance with recent changes to state requirements, and

**WHEREAS**, amendments to 19.30.110(G) make the development code consistent with the building code for exceptions to accessory structures.

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

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

Section 1      Chapter 19.400  
                  ADMINISTRATION OF LAND USE AND DEVELOPMENT REVIEW  
                  Sections:  
                  19.400.010 Introduction.  
                  19.400.020 Decision-making authority.  
                  19.400.030 Time Limit on Land Use Decisions for Approval  
  
                  19.400.010 Introduction.  
                  This article specifies application requirements and procedures for  
                  obtaining land use permits required for development within the city of  
                  Fairview. Table 19.413.050 provides permit and decision-making  
                  requirements for land use permit applications.  
                  19.400.020 Decision-making authority.  
                  This article shall be administered by the community development director  
                  or designee.

Section 3

19.413.040 Type IV procedures (legislative).

A. Type IV matters are considered initially by the planning commission with final decisions made by the city council. Type IV procedures apply to legislative matters and involve the following:

1. Zoning map amendments.
2. Development code text amendments.
3. Comprehensive plan text amendments.
4. Comprehensive plan map amendments.
5. Planned developments.
6. Park master plans.
7. Master plan adoption.
8. Annexations.

B. Required Hearings. A minimum of two hearings, one before the planning commission, and one before the city council, are required for all Type IV applications, except annexations where only a hearing by the city council is required.

C. Public Notification Requirements. Notice of public hearings shall be given by the city in the following manner:

1. At least 30 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
  - a. Each owner whose property would be rezoned in order to implement the ordinance.
  - b. Any affected governmental agency.
  - c. Recognized neighborhood groups or associations affected by the ordinance.
  - d. Any person who requests notice in writing.
  - e. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
  - f. Any property owner affected by the zone changes where the change in regulations becomes more restrictive than the current regulations shall be notified.
2. At least 10 days before the scheduled planning commission public hearing date, and 10 days before the city council hearing date, notice shall be published in a newspaper of general circulation in the city.
3. Metro and the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and development code amendments at least ~~45~~ 35 days before the first public hearing at which public testimony or evidence will be received.
4. Notifications for annexation shall follow the provisions of this chapter. The notice must be received by the Department of Land Conservation and Development no later than 35 days prior to the first evidentiary hearing.

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.

v. No accessory structure may be located closer than six feet from any other structure unless constructed to conform with the Oregon Building Codes.

vi. Lot coverage requirements apply to all accessory structures.

vii. Accessory structures situated on a corner lot and detached from the main building shall have a minimum side yard setback of 10 feet, except for accessory structures where private vehicles are stored and have an entrance from the street side yard, where a minimum street side yard setback of 20 feet shall be required.

viii. All accessory structures attached to the principal building shall meet the requirements of the Oregon Building Codes.

d. Accessory structures larger than ~~120~~ 200 square feet must meet the following standards:

i. If located within five feet of the property line accessory structures shall be no more than 10 feet in height.

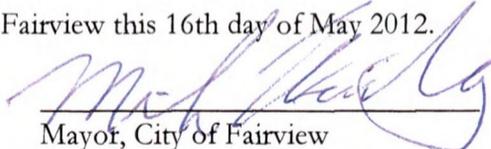
ii. If located at five feet or more, but less than the setback required for the principal structure, the building may be as tall as the main building or 20 feet in height, whichever is less.

iii. If located at a greater distance from the property line than the setback required for the principal building, the accessory structure may be as tall as the principal structure or 25 feet, whichever is less.

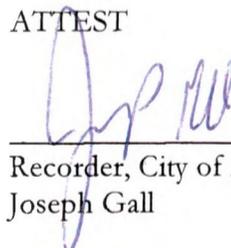
iv. Accessory structures 450 square feet or larger shall be constructed of materials that provide the same appearance, and be of a similar design to the main building.

Section 5 This ordinance is effective thirty days from its passage.

Motion adopted by the City Council of the City of Fairview this 16th day of May 2012.

  
\_\_\_\_\_  
Mayor, City of Fairview  
Mike Weatherby

ATTEST

  
\_\_\_\_\_  
Recorder, City of Fairview  
Joseph Gall



City of Fairview  
Administration Office  
PO Box 337  
1300 NE Village Street  
Fairview, Oregon 97024



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

DEPT OF

MAY 29 2012

PLAN  
AMENDMENT

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