



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

February 23, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gervais Plan Amendment
DLCD File Number 001-06

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: March 9, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Jason Locke, DLCD Regional Representative
Mark Fancey, City of Gervais

<paa> ya/

FEB 20 2007

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

Must be filed within 5 working days
See OAR 660-18-040

Jurisdiction: City of Gervais
Date of Adoption: February 8, 2007
Date Proposal was Provided to DLCD: November 21, 2006
Local File Number: LA 06-01
Date Mailed: February 16, 2007

Type of Adopted Action: (Check all that apply)

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
[X] Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
The proposed amendments clarify lot line adjustment standards for lots included in the original Gervais Town Plat..

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."

Plan Map Changed from: NA to NA

Zone Map Changed from: NA to NA

Location: NA

Acres Involved: NA

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 1,2,

Was an Exception Adopted? Yes: No: X

DLCD File Number: 001-06 (15705)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:
 No:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did the Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Mark Fancey Area Code + Phone Number: (503) 588-6177

Address: MWVCOG 105 High Street SE

City: Salem Zip Code+4: 97301-3667

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** of the adopted material, if copies are bound 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 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 onto 8 1/2 x11 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 Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE 41-2007

AN ORDINANCE AMENDING THE CITY OF GERVAIS DEVELOPMENT CODE REGARDING LOT LINE ADJUSTMENT STANDARD.

WHEREAS, the City of Gervais deemed it necessary to amend the Development Code standards regarding lot line adjustments;

WHEREAS, on February 8, 2007, the City Council held a public hearing at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, notice of said public hearing was duly given to the public pursuant to the State's public notice requirements; now, therefore,

THE CITY OF GERVAIS ORDAINS AS FOLLOWS:

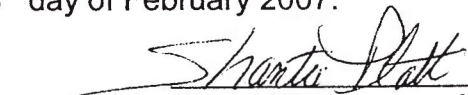
Section 1. The City Council of the City of Gervais does hereby amend the Gervais Development Code, as set forth in Exhibit "A".

Section 2. Effective Date: This ordinance becomes effective thirty (30) days after passage.

PASSED and adopted by the City Council of the City of Gervais on this 8th day of February 2007, by the following votes:

Council President Harvey	Aye
Council Member Miller	Absent
Council Member Gregory	Aye
Council Member Milam	Aye
Council Member Foote	Aye

APPROVED by the Mayor on this 8th day of February 2007.


Shanti Platt, Mayor

ATTEST

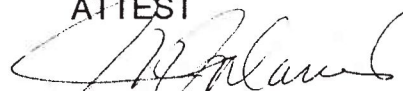

Filed: 2/9/2007

Exhibit A

Amendments to the Gervais Development Code regarding lot line adjustments

Language to be added is shown in **bold, underline**. Language to be deleted is shown ~~struck through~~.

3.107 LOT LINE ADJUSTMENTS.110 LOT LINE ADJUSTMENTS

3.107.01 Applicability

The procedures and requirements in this section apply to the relocation of a common property line between two abutting properties.

3.107.02 Standards

- A. The number of lots or parcels as large as the minimum lot size in the affected zone is at least the same after the adjustment as before the adjustment.
- B. The number of lots or parcels resulting from the adjustment is the same or less than the number of lots or parcels existing prior to the adjustment.
- C. **With the exception of lots located within the Gervais Town Plat,** ~~F~~following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district.

Lots located within the Gervais Town Plat may be reconfigured through the lot line adjustment process if all lots are a minimum of 5,000 square feet in size following the adjustment.

For **all other** non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.

- D. All lots or parcels having access to a public or private street before the adjustment must retain access after the adjustment.

Lots located within the Gervais Town Plat that are reconfigured must have frontage on and access to a public right-of-way, such as a street or alley, after the adjustment. Improvement or construction