



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

3/8/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Shady Cove Plan Amendment
DLCD File Number 003-09

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, March 18, 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: Dick Converse, City of Shady Cove
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<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

DATE STAMP

DEPT OF

MAR 01 2010

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: *City of Shady Cove*

Local file number:

Date of Adoption: *February 18, 2010*

Date Mailed: *February 25, 2010*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

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".
Amend the street ordinance to clarify when & to what extent on-site improvements are to be made. If approved an ordinance will require an assessment of needed infrastructure on the affected property & in the neighborhood, including nearby streets. The subdivision ordinance will also be amended to increase from one to two years the warranty of improvement materials & workmanship

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: *N/A*

to:

Zone Map Changed from: *N/A*

to:

Location: *N/A*

Acres Involved: *N/A*

Specify Density: Previous: *N/A*

New: *N/A*

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

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. 003-09 (17966) [16018]

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING
ORDINANCE NO. 224 (SUBDIVISION ORDINANCE).

Whereas, The City of Shady Cove adopted the Subdivision Ordinance (Ordinance No. 224) on December 2, 2004 ; and

Whereas, the City Council has requested that the Planning Commission evaluate and consider changes to the Subdivision Ordinance; and

Whereas, The City of Shady Cove Planning Commission held a duly noticed public meeting on November 12, 2009 on this application, and achieved consensus that the changes were appropriate; and

Whereas, the City of Shady Cove City Council held a duly noticed Public Hearing, on February 4, 2010, received public testimony, closed the public hearing, deliberated upon the application, and voted to amend the Subdivision Ordinance

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS**

Section 16 of the Subdivision Ordinance is hereby amended to add the following:

Off-site Improvements

All off-site improvements conditions of approval shall be based on information and formulas derived from "Justifying Exaction: Recent cases and mechanisms for implementing viable conditions of approval", December 1 2006, to compare the amount of exaction to the level of impact.

Section 21 – Improvement Procedures is hereby amended as follows (Strikethroughs show the deleted text and italics show the revised text):

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the design standards and improvement standards and specifications adopted by the City.

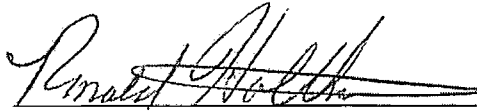
All improvement work shall be at the sole cost and expense of the developer unless otherwise specifically provided herein.

All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City. Developers(s) shall warrant the materials and workmanship of said improvements for a period of two years from the date of completion. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the city.

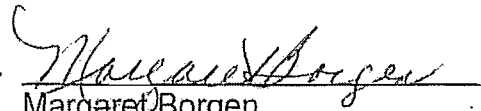
PASSED AND APPROVED by the Common Council of the City of Shady Cove this February 18, 2010.

Approved:

Attest:



Ron Holthusen
Mayor



Margaret Borgen
Deputy City Recorder

Council Vote:

Councilor Bradburn
Councilor Hayes
Councilor Hughes
Councilor Kyle
Mayor Holthusen

City of Shady Cove

Ordinance No. 255

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING
ORDINANCE NO. 223 (STREET ORDINANCE).

Whereas, The City of Shady Cove adopted the Street Ordinance (Ordinance No. 223) on November 18, 2004; and

Whereas, The City Council has requested that the Planning Commission evaluate and consider changes to the Street Ordinance; and

Whereas, The City of Shady Cove Planning Commission held a duly noticed public meeting on November 12, 2009 on this application and achieved consensus that the changes were appropriate; and

Whereas, the City of Shady Cove City Council held a duly noticed Public Hearing, on February 4, 2010, received public testimony, closed the public hearing, deliberated upon the application and voted to amend the Street Ordinance

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS**

Section 1B is amended by adding the following:

6. Off-Site street improvements shall be required of the developer(s) when deemed necessary by the City to ensure access streets to and from new planned development are uniform and current to City codes and standards. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood and the City's traffic and drainage needs including, but not limited to, grading and surfacing of streets and access ways, installation of facilities to supply domestic water, construction of storm and sanitary drainage and treatment facilities, and other improvements as hereafter set forth.

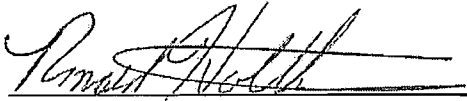
Section 4A is amended by adding the following at the end of the first paragraph:

All off-site improvements conditions of approval shall be based on information and formulas derived from "Justifying Exaction: Recent cases and mechanisms for implementing viable conditions of

approval", December 1, 2006, to compare the amount of exaction to the level of impact.

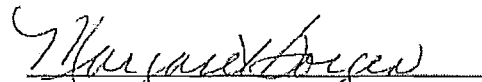
PASSED AND APPROVED by the Common Council of the City of Shady Cove this February 18, 2010.

Approved:



Ron Holthusen
Mayor

Attest:



Margaret Borgen
Deputy City Recorder

Council Vote:

Councilor Bradburn
Councilor Hayes
Councilor Hughes
Councilor Kyle
Mayor Holthusen

From:

City of Shady Cove
PO Box 1210
Shady Cove OR 97539



Ready Post.

Photo Document Mailer

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