



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

07/26/2013

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 003-13

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, August 09, 2013

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 **20-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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	JUL 22 2013
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Fairview**

Local file number: **2013-21-ZC**

Date of Adoption: **7/17/2013**

Date Mailed: **7/19/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 5/16/2013

☐ 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 Fairview Municipal Code to extend the final plat filing deadline for outstanding preliminary plats that were approved in 2007 and 2008 for an additional 6 months.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

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
<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 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"/>

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. 003-13 (19852) [17544]

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

City of Fairview

Local Contact: **Erika Fitzgerald**

Phone: (503) 674-6242 Extension:

Address: **1300 NE Village Street**

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

City: **Fairview**

Zip: **97024-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 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.

ORDINANCE

(6-2013)

AN EMERGENCY ORDINANCE OF THE FAIRVIEW CITY COUNCIL AMENDING THE FAIRVIEW MUNICIPAL CODE SECTION 19.430.130 TO EXTEND TIME FOR CERTAIN FINAL PLAT APPROVALS

WHEREAS, a public hearing was held by the Planning Commission on June 25, 2013 and by the City Council on July 17, 2013, and

WHEREAS, public notice was provided in accordance with Fairview Municipal Code 19.413.040 and ORS 227.186, and

WHEREAS, amendments were made to 19.430.130(E) in 2010, 2011, and 2012 authorizing additional 1 year extensions for the filing of the final plat, and

WHEREAS, amendments are approved to allow a final six month extension for the filing of a final plat for preliminary plats approved in 2007 and 2008 that have not yet expired, and

WHEREAS, this ordinance has been declared an emergency for economic development purposes to allow for an expedited review and approval of a final plat for a new residential development, and

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

Insert underlined words. Delete words in ~~strike through~~

Section 1

FMC 19.430.130

C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of one year from the date of approval. The preliminary plat shall lapse if a final plat has not been ~~submitted~~ filed with the County within the that one-year period unless extended consistent with subsection E below.

D. Modifications. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 19.415 FMC, Amendments to Decisions.

E. Extensions. The public works director or ~~his or her~~ designee shall, upon written request by ~~the an~~ applicant and payment of the required fee, grant up to two one-year extensions of the approval period not to exceed one year each. For a preliminary plat approved in 2007 or 2008, the city

administrator or the administrator's designee may, if requested during the 2013 calendar year,
approve a ~~fourth one-year~~ fifth extension for periods up to six months expiring no later than
December 31, 2014. ~~extension.~~

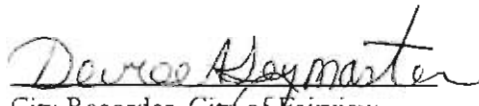
This emergency ordinance is effective immediately from its passage as allowed by Chapter VII
Section 33 of the Fairview City Charter.

Motion adopted by the City Council of the City of Fairview this 17th day of July, 2013.



Mayor, City of Fairview
Mike Weatherby

ATTEST



City Recorder, City of Fairview
Devree Leymaster

19.430.130 Approvals process.

A. Review of Preliminary Plat. Review of a preliminary plat for a subdivision or partition with 10 or fewer lots shall be processed by means of a Type II procedure, as governed by FMC 19.413.020. Preliminary plats with greater than 10 lots shall be processed with a Type III procedure under FMC 19.413.030. All preliminary plats shall be reviewed using approval criteria contained in FMC 19.430.140. An application for subdivision may be reviewed concurrently with an application for a master planned development under Chapter 19.450 FMC.

B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under Chapter 19.413 FMC, using the approval criteria in FMC 19.430.160.

C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of one (1) year from the date of approval. The preliminary plat shall lapse ~~and be void~~ if a final plat has not been ~~submitted~~ filed with the Multnomah County within ~~that~~ the one-year period ~~unless extended consistent with as permitted in subsection E below.~~

D. Modifications. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 19.415 FMC, Amendments to Decisions.

E. Extensions. The public works director ~~or his or her~~ designee shall, upon written request by ~~an~~ the applicant and payment of the required fee, grant up to two one-year extensions of the approval period not to exceed one year each. For a preliminary plat approved in 2007 or 2008, the city administrator ~~or the administrator's~~ designee may ~~during the 2013 calendar year~~ approve a fourth one-year fifth extension for a period of up to one year expiring not later than December 31, 2014 if requested by an applicant during 2013 of 6 months extension.

All extensions are subject to the following:

1. Any changes to the preliminary plat follow the procedures in Chapter 19.415 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(s) shall be paid for each extension request at the time of the request.

F. Phased Development.

1. The city may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years without reapplying for a preliminary plat;
2. The criteria for approving a phased land division proposal are:

- a. Public facilities shall be constructed in conjunction with or prior to each phase;
- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require city council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with FMC 19.430.180. A temporary public facility is any facility not constructed to the applicable city or district standard;
- c. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
- d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.



1300 NE VILLAGE ST.
P.O. BOX 337
FAIRVIEW, OR 97024

Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Ste 150
Salem, OR 97301-2540



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