



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

07/01/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Canyonville Plan Amendment
DLCD File Number 001-13

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: Saturday, June 15, 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: Janelle Evans, City of Canyonville
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, 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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP
DEPT OF
JUN 26 2013
For Office Use Only
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **City of Canyonville**

Local file number:

Date of Adoption: **6/17/2013**

Date Mailed: **6/18/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **4/26/2013**

☐ 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".
change the zoning map designation of approximately 1.32 acres from multi family t single family residential.

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

Plan Map Changed from:

to:

Zone Map Changed from: **R3**

to: **R1**

Location: **580 S. Main T30 R05 S34BA TL4800 & 4900**

Acres Involved: **1**

Specify Density: Previous: **8 units**

New: **3 units**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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. 001-13 (19818) [17503]

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

none

Local Contact: **Janelle Evans**

Phone: (541) 839-4258 Extension:

Address: **250 N. Main**

Fax Number: **541-839-4860**

City: **Canyonville Or** Zip: **97417-**
cityadministrator@cityofcanyonville.com

E-mail Address:

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 NO. 621

AN ORDINANCE DECLARING AN AMENDMENT TO THE CANYONVILLE ZONING MAP FOR PROPERTY KNOWN AS THE BOOTH PROPERTY LOCATED AT 580 SOUTH MAIN (T30 R05 S34BA TL4800 & 4900)

THE CITY COUNCIL OF THE CITY OF CANYONVILLE, OREGON, finds:

1. This matter came before the Canyonville Planning Commission as a quasi-judicial application for Zone Change.
2. That the Canyonville Zoning Ordinance establishes procedures for hearing Zone Change applications.
3. That the Planning Commission received an application and held a Quasi-Judicial public hearing after due and timely notice on June 12, 2013.
4. The subject property is currently designated in the Canyonville Comprehensive Plan as Residential.
5. The subject property is currently zoned Multi Family Residential and upon adoption of this ordinance will cause a change to Single Family Residential.
6. All public facilities and services are within distance of serving the subject property.
7. That the following criteria exist:
 - a. The proposed change will conform to the Canyonville comprehensive Plan including all applicable goals and policies contained within the Plan.
 - b. The subject property is suitable for the proposed zoning.
 - c. There has been a conscious consideration of potential positive or negative impacts on the public health, safety, and general welfare of the surrounding area.

NOW, THEREFORE, THE CITY OF CANYONVILLE ORDAINS AS FOLLOWS:

SECTION I. The foregoing findings are hereby approved and incorporated herein.

SECTION II. This zone change has been processed pursuant to the Canyonville Zoning Ordinance.

SECTION III. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated June 12, 2013 .

SECTION IV. The City Council hereby amends the Canyonville Zoning Map by applying the Single Family Residential (R1) zoning to the subject parcel

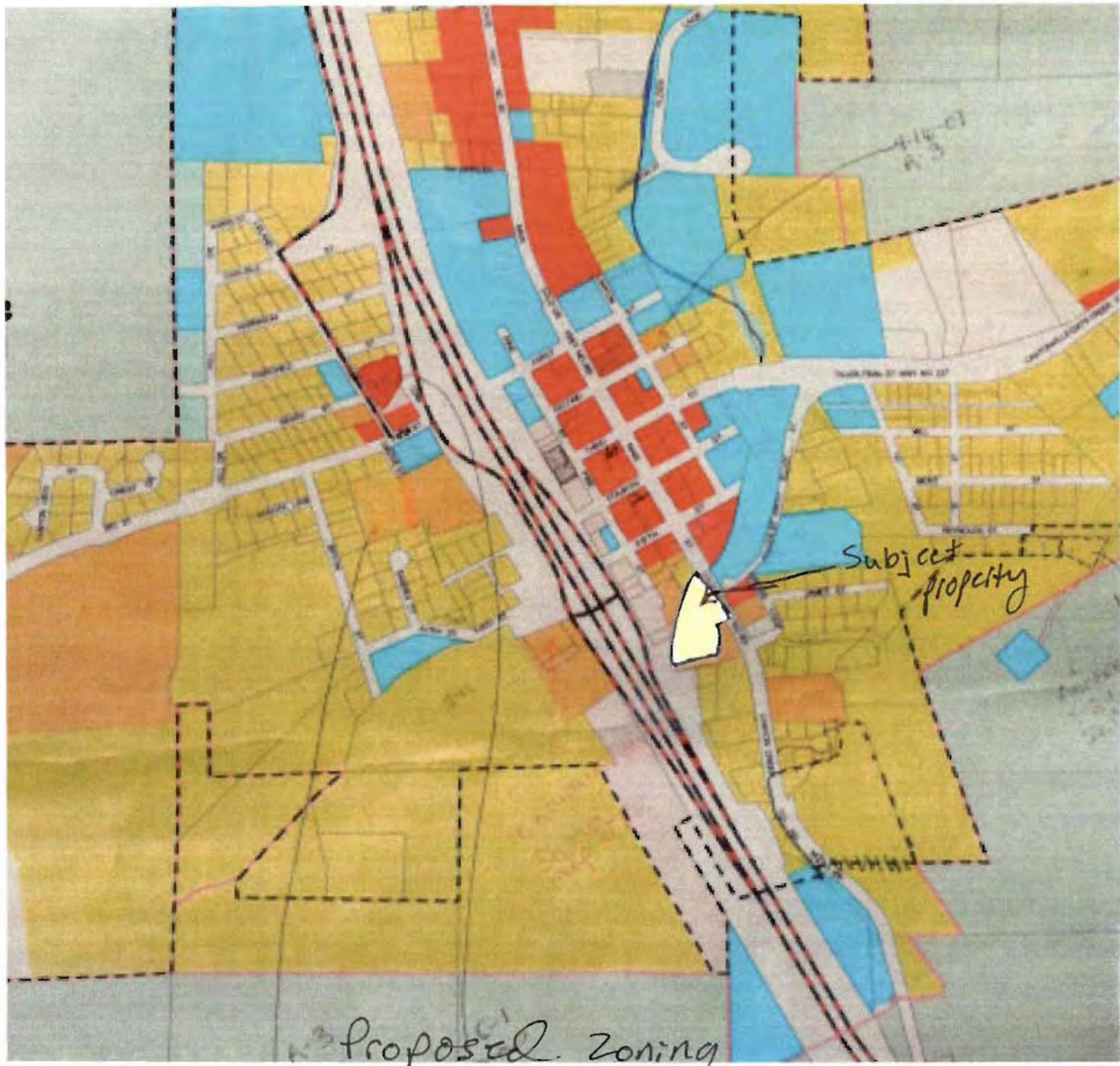
located at 580 South Main, as shown in Exhibit "A" attached hereto and made part of this ordinance.

PASSED BY THE CITY COUNCIL THIS 24th DAY OF June, 2013.

APPROVED BY THE MAYOR THIS 24th DAY OF June, 2013.

Robert A. Deaton
Robert A. Deaton, Mayor

ATTEST:
Janelle Evans
Janelle Evans, City Administrator



City of Canyonville

Pioneers of the Past

250 N. Main Street
PO Box 765
Canyonville, OR 97417

Pioneers of the Future

Ph. (541) 839-4258
Fax (541) 839-4680
e-mail city@cityofcanyonville.com

FINAL ORDER NOTICE OF PLANNING COMMISSION DECISION AND ORDER

APPLICATION: Rezone

APPLICANT: Jim Booth
Box 162
Asela OR 97410

OWNER: Same

LOCATION: **580 S. Main**
T30 R5 S34BA TL4800 & 4900

ORDER: approved

APPEAL PROVISIONS: See page 2

DECISION CRITERIA, FINDINGS AND CONDITIONS:

REQUEST:

The applicant is requesting to rezone his property located at 580 South Main from Multi Family Residential to Single Family Residential. The subject property is approximately 1.32 acres and located just south of the bridge on Main Street. Approval of the rezone would allow the applicant to develop the property with single family dwellings instead of multi family units.

FINAL ACTION

The Planning Commission adopted the findings in the staff report and approve the rezone of the subject property from Multi Family (R3) to Single Family (R1). The decision will become final at **5:00 P.M. on June 24, 2013** unless an appeal is filed.

APPEAL PROVISION

A decision by the Planning Commission may be appealed to the Canyonville City Council by an affected party. The party must file an intent to appeal with the City Recorder, which includes the required fee, within ten (10) days from the date of the decision. A notice of appeal shall contain all of the following:

1. Identification of the decision to be reviewed.
2. Statement of the interest of the appellant and whether the appellant has "standing to appeal." An individual is said to have "standing to appeal" if the person:
 - a. appeared before the Planning Commission orally or in writing, and
 - b. the person's interests are adversely affected by the decision.
3. Reasons the appellant feels aggrieved by the decision, and how the appellant feels the Planning Commission erred in its decision.

The scope of the review shall be limited to the issues raised in the request for appeal. The City Council will consider evidence in the record, evidence submitted at the appeal hearing which is relevant to the issues under review, and oral or written arguments submitted at the time of the appeal hearing addressing those issues.

Questions regarding the appeal procedure may be directed to the City Administrator/Recorder, City Hall, Box 765, Canyonville OR 97417 or call 541-839-4258.

CRITERIA 1: The proposed zone change will conform with the Canyonville Comprehensive Plan, including all applicable goals and policies contained with the Plan.

1. The subject property is approximately 1.32 acres of undeveloped land zone for multi family dwellings. The Comprehensive Plan designation is residential.
2. The applicant is requesting to change the zoning from multifamily residential to single family residential. The proposed zone change will still conform to the Comprehensive Plan since the Comprehensive Plan designation will still be residential.

CRITERIA 2: The subject property is suitable for the proposed zoning.

1. The Canyonville zoning ordinance permits apartments and multifamily dwellings within the Multifamily zone. It further establishes a minimum development density of not less than 8 units per acre. The property is 1.32 acres which would require a minimum of 11 units to be constructed on the site. Each unit must be provided with 2 off street parking spaces so a total of 22 parking spaces would be required.
2. The subject property is adjacent to Canyon Creek and falls within the City of Canyonville's riparian corridor. Section 18.70.020 of the Zoning Ordinance establishes a 50' riparian corridor for all land adjacent to Canyon Creek.
3. Section 18.70.050 provides for a reduction in the riparian corridor up to ½ of the setback in areas that have already been disturbed. Mr. Booth has obtained a conditional approval letter from the Department of Fish and Wildlife to reduce the setback to 25' provided he meets the following conditions:
 1. No existing trees will be removed unless they present a safety risk.
 2. All Himalayan blackberries and other nonnative species along Canyon Creek are to be removed.
 3. Sixty native trees, preferably conifers are to be planted along Canyon Creek. The project proponent must consult with ODFW on the species of trees planted.
 4. Ongoing removal of non native vegetation must be continued until trees are fully established and can shade out invasive vegetation.
 5. No drainage from newly created impervious surfaces are to be conveyed directly into Canyon Creek.
4. The riparian setback is measured from the top of the bank. This further reduces the buildable area for the subject property. No parking facilities or buildings can be located within this area.
5. The subject property has an 80' x 145' ODOT easement located at the southwest end of the site. With the ODOT easement and the 20' sewer easement that crosses the property the southerly 145' of the property is undevelopable for buildings. However, it could be used for parking.

6. The remaining 300' of land has a 25' riparian setback and a 20' utility and access easement across it. This leaves a strip approximately 50' in width that could be developed. The building area would be even less when you consider that a parking space is approximately 20' in length.
7. All the existing easements have been mapped out on exhibit A. With all the existing easements on the remaining two parcels it would be extremely difficult to develop 11 apartment units and parking. Conversion of the land to single family dwellings makes sense. The easement areas would provide nice yards for the dwellings.

CRITERIA 3: There has been a conscious consideration of potential positive or negative impacts on the public health safety and general welfare.

- 3a. The applicant has stated that he would like to divide the property into 3 single family dwelling lots. Based on the easements that currently exist the applicant is advised that he may not be able to divide the property into 3 lots unless he can get the easement from ODOT released.
- 3b. Approval of the rezone to single family dwelling does not guarantee the applicant can develop 3 lots. A separate application must be submitted for review and approval of the proposed partition.
- 3c. The City of Canyonville has little land available that is zoned multi family. The original zoning of the property as multi family was justifiable when the applicant originally owned all three tax lots 5000, 4900 & 4800 which totaled 2.29 acres. In 2010 the applicant sold tax lot 5000 which was approximately 1 acre in size to the Jehovah Witness for the construction of a church.
- 3d. The remaining parcels are not adequately sized for multifamily dwellings when all the easements are taken into consideration.
- 3e. The property is separated from the downtown by Canyon Creek and a one lane bridge. The properties to the north and south are developed with single family dwellings. The property to the east is developed with apartments
- 3f. Whether the property is developed with single family dwellings or apartments will not negatively impact the areas since both uses have existed in the area for many years.

PINE STREET

CENTER OF CREEK IN
1921 PER SURVEY IN
VOL 3, P 101.
IS NEAR THE
CURRENT LOCATION

UNIT 2
ADJUSTMENT
52 ACRES

Main Street

Access Case m

N 5718.44
E 9822.19

27

CANYON CREEK

STEEP BANK

GAIT 3
ADJUSTMENT Acres.
AFTER 0.77

church

property

PARCEL 1
2003-017564

ODOT -
EASEMENT

N 4558.40
E 9793.31

$$(58+00)^2$$
$$(50.00)^2$$

560°53'54"W
(561°42'05"W)²

23.91'
S84°11'52"W

25.30' 42" W

579°28'15" W
48.28°

568°48'05"W

N71°40'00"E
(N71°40'E)

579°28'18"W
(578°40'W)^{1,3}

98.95'
(100.0')

IRINGS
10073
100.44

P.O.B. PARCEL 2
471.4' N OF D/LC
CORNER PER CS 47/98

BOOK 3

Exhibit A

- 5 AND

City of Canyonville

Application for ZONE CHANGE

A zone change application is a request to amend the officially adopted zoning map for the City of Canyonville and may include relocating the boundary that separates one zoning district from another. Oregon law and City ordinance require the official zoning map to conform with the land use designations prescribed by the Canyonville Comprehensive Plan; therefore, if a proposed zone change would not be consistent with the Comprehensive Plan, the applicant may be required to submit an application to amend the Comprehensive Plan concurrently with the zone change request.

The official zoning map for was adopted by the City upon the determination that each of the zoning districts best implements the City's intent to protect the public health, safety and general welfare. Any proposal to change the zoning on a particular property must demonstrate that the change will not be contrary to that basic underlying intent. The burden for proving that a proposed zone change will not be contrary to the public health, safety and general welfare, and that the proposed change is otherwise justified rests entirely with the applicant. Therefore, it is important that questions on this application form be answered as thoroughly as possible. Incomplete applications will not be accepted.

APPLICANT:

Name: Jim Roth Phone: 541-660-1772
Address: P.O. Box 162 Azalea OR 97410

DEED HOLDER OF THE SUBJECT PROPERTY (if different than applicant):

Name: Same Phone: _____
Address: _____

SPECIFIC DESCRIPTION OF SUBJECT PROPERTY:

Street Address of Property: 580 south main
Twp. 30 Rng. 5 Section(s) 34BA Tax Lot No(s). 4800 - 4900
Tax Account No.(s) R36790 & R36798 Size of Property: 120' x 133'

What is the present zoning of the subject property: R-3

What is the present Comprehensive Plan designation: _____

What is the proposed zoning: Three lots residential

Is this zone change request being submitted in conjunction with an application to amend the Comprehensive Plan? _____

Describe the current use of the property, including any existing buildings or other improvements:

It's currently a vacant lot.

Describe the general character of the subject property, including its topography and other physical characteristics:

The property is flat ground at the South end of town. It's also next to Creek.

ZONE CHANGE CRITERIA

A zone change may be granted only if the proposed change conforms to the following criteria:

[NOTE: The burden of proving that the request satisfies the applicable criteria rests solely with the applicant.]

1. The proposed zone change will conform with the Canyonville Comprehensive Plan, including all applicable goals and policies contained within the Plan.
2. The subject property is suitable for the proposed zoning.
3. There has been a conscious consideration of potential positive or negative impacts on the public health, safety and general welfare.

Provide a detailed description of any new development or land use activity anticipated on the property that will result if the requested zone change is approved. (Attach additional sheets if necessary.)

Change Zoning to three lots and build three house. Plot plane included.

Describe the general character of adjacent and nearby properties. Identify the types of buildings or structures located on the adjacent properties, describe how they are being used, and give their approximate distance from your property lines.

South of property there are two houses.
East of property 10 unit apt. across street.
North side of property two rental houses.
West side across Creek there is a motel.

Describe how well suited the subject property is for the proposed zoning and the type of land use that is intended to be conducted. (Cite such advantages as location, size and shape of the property, availability of public utilities and services, compatibility with other uses in the vicinity, etc.)

Property is 120^{ft} by 400^{ft} long, good for three lots. Each lot would be 120 by 133^{ft} long.

One existing water meter

Sewer line with two hook ups in middle of property.

Explain why the proposed change in zoning, including all land use activities permitted by the proposed zoning, will not conflict with, or adversely impact, other nearby properties.

There is not enough room for 10 units because of sewer easement and set back from street easement, plus 20 car parking for 10 units would be hard to fit in. and STATE EASEMENT 80'x145' units TAKES UP ONE THIRD OF PROPERTY

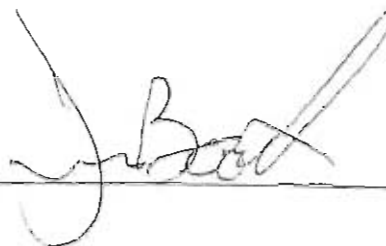
If this zone change request is not being processed concurrently with a Comprehensive Plan amendment application, explain how the requested zoning conforms with the Comprehensive Plan land use map, as well as with any applicable policies contained within the Comprehensive Plan document.

residential land.

SIGNATURE REQUIRED.

The undersigned Jim Booth hereby certifies that the statements and
(Please print your name)
information contained in this application are in all respects, true, complete and correct to the best of
my knowledge and belief.

SIGNED:



DATE:

4-16-13

FEE & DEPOSIT REQUIRED

A nonrefundable application fee, as specified in the most recent "Canyonville Schedule of Fees", must accompany this application. This application must also be accompanied by a cash deposit sufficient to cover the estimated cost of processing your application. Information concerning the application fee and deposit can be obtained from the City Recorder. Make all checks payable to the City of Canyonville.

To Be Completed By City

Application submitted for preliminary review on: _____ By: _____

Application reviewed for completeness by: _____ On: _____

Application accepted as to completeness on: _____ By: _____

Fee and Deposit Receipt Number: _____ Date: _____

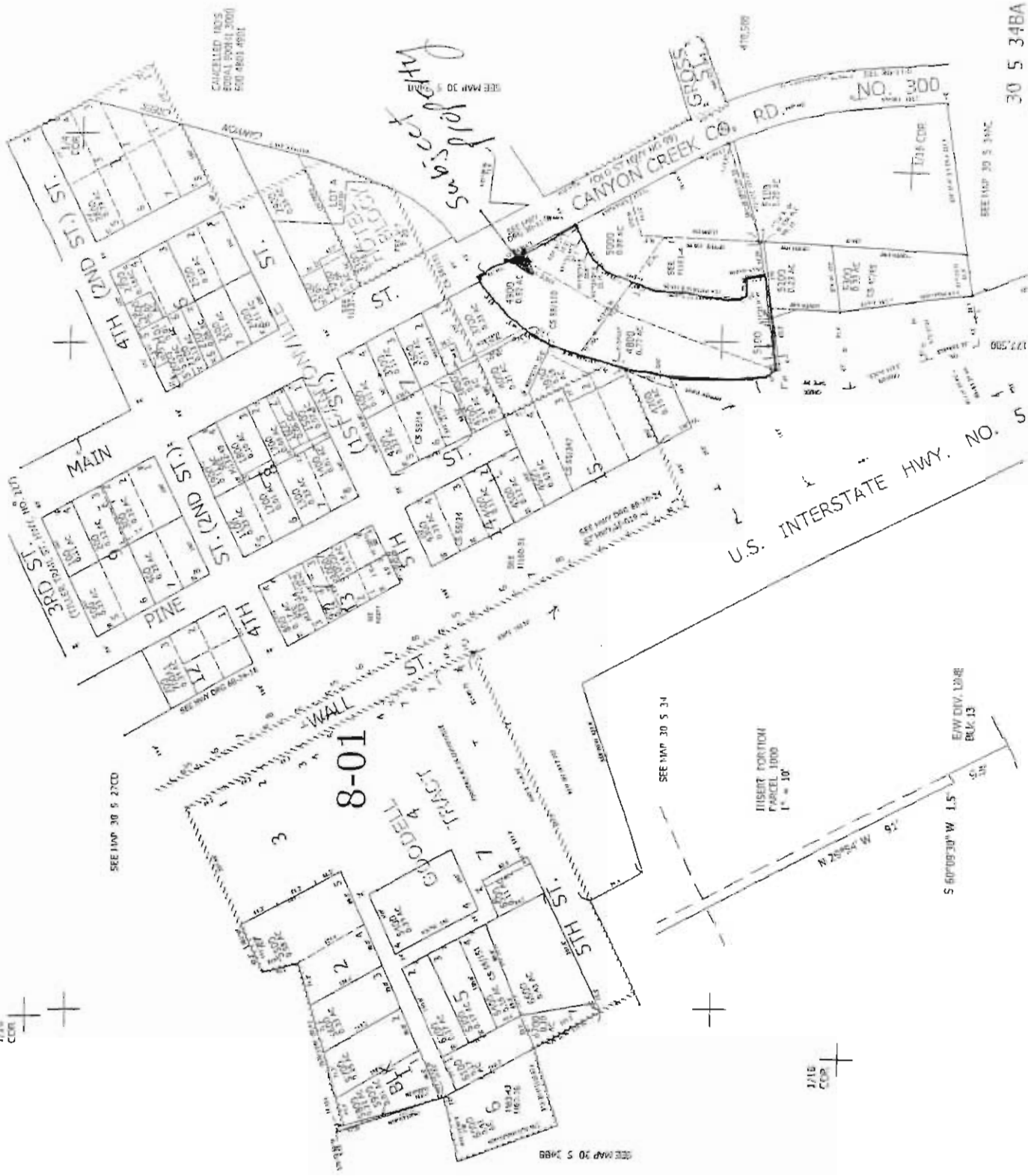
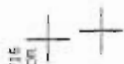
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

NE1/4 NW1/4 SEC.34 T30S. R.5W. W.M.
DOUGLAS COUNTY

30 5 34BA
CANYONVILLE

REVISED ON
12-18-10

1/16
COR



30 5 34BA

SEE MAP 30 5 34AC

E/W DIV. 1248
BLK 13

S 60°05'30\" W 1.5'

1/16
COR



97417

LAND CONSERVATION
AND DEVELOPMENT

UNITED STATES POSTAGE
PRIORITY MAIL
\$ 001.52
02 1P
0000024827 JUN 24 2013
MAILED FROM ZIP CODE 97417