



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

April 20, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Canyonville Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 9, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Cheryl Masotto, City Of Canyonville

<paa> n

FORM 2

DLCD NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

APR 19 2007

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Canyonville Local File No.: ZC-01-07
(If no number, use none)

Date of Adoption: 4-16-07 Date Mailed: 4-17-07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1-10-07

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

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

Zone change from R-1 Single Family Residential to R-3 Multi-Family Residential to allow a 25 unit dormitory to be built.

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 AN/A.≡

same

Plan Map Changed from : _____ to _____

Zone Map Changed from: R-1 to R-3

Location: 135 S. Canyonn Acres Involved: .29

Specify Density: Previous: Single Fam Res. New: multi-Fam Res.

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-07 (15789)

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: _____

Local Contact: Cheryl Masotto Area Code + Phone Number: 541-839-4258

Address: P.O. Box 765 City: Canyonville

Zip Code+4: 97417 Email Address: city@cityofcanyonville.com

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** the adopted material, if copies are bounded 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 not 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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 on to 8-1/2x11 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 Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 588

AN ORDINANCE DECLARING AN AMENDMENT TO THE CANYONVILLE ZONING MAP FOR PROPERTY KNOWN AS THE CANYONVILLE CHRISTIAN ACADEMY PROPERTY LOCATED AT 135 S. CANYON STREET.

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 March 1, 2007.
4. The subject property is currently designated in the Canyonville Comprehensive Plan as Residential.
5. The subject property is currently zoned R-1 Single Family Residential and upon adoption of this ordinance will cause a change to R-3 Multi 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.

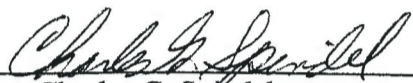
SECTION II. This zone change has been processed pursuant to the Canyonville Zoning Ordinance.

SECTION III. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated March 1, 2007 and incorporates that document herein as shown in Exhibit "B".

SECTION IV. The City Council hereby amends the Canyonville Zoning Map by applying the R-3 Multi Family Residential zoning to the subject Parcel located at 135 S. Canyon Street, as shown in Exhibit "A" attached hereto and made part of this ordinance.

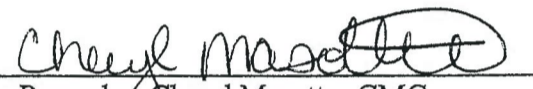
PASSED BY THE CITY COUNCIL THIS 16th DAY OF April, 2007.

SIGNED BY THE MAYOR THIS 17th DAY OF April, 2007.



Mayor, Charles G. Spindel

ATTEST:



City Recorder, Cheryl Masotto, CMC

BEFORE THE CITY OF CANYONVILLE PLANNING COMMISSION

IN THE MATTER of the application of Canyonville]
Christian Academy for a Zone Change for]
Lot 1700 from "Single-Family Residential" (R-1)]
to "Multifamily Residential" (R-3) to allow an]
additional dormitory unit for Canyonville Christian]
Academy on a 0.29 acre lot described as Tax]
Lot 1700 in Section 27CD, Twp. 30S, Range 05W,]
Douglas County, Oregon, Property I.D.]
No. R35342.]

**FINDINGS OF FACT
AND DECISION**

INTRODUCTION & PROCEDURAL FINDINGS

This matter came before the City of Canyonville Planning Commission for public hearing on March 1, 2007 in the Council Chamber of Canyonville City Hall, Canyonville, Oregon.

The purpose of the hearing was to receive testimony and other evidence related to the subject matter and to render a decision in response to the application.

The applicant, Canyonville Christian Academy, appeared before the Planning Commission on this matter. Any other testimony at the hearing is part of the record in this matter.

Written notice with application materials were sent to the Canyonville Superintendent of Public Works, Canyonville SU Fire Chief, DLCD, and Douglas County Public Works. Notice was sent according to Canyonville code to property owners within 100 ft. of the subject property and was published in the newspaper. Any written statements submitted to the Planning Commission were also considered as part of the record.

The written staff report, together with the various exhibits, presented to the Planning Commission by the City Recorder are a part of the record in this matter. The staff report describes the nature of the application, the applicable criteria to be applied to the request, and numerous factual findings.

The Planning Commission takes official notice of the following:

1. The Canyonville Comprehensive Plan and the City's implementing land use and development ordinances which have been acknowledged by the Land Conservation and Development Commission.
2. The record of the City Recorder concerning the publication and mailing of notice of the hearing.

SUBSTANTIVE FINDINGS OF FACT

1. The applicant in this matter, Canyonville Christian Academy, is requesting a Zone Change to change the property's zoning for Lot 1700 from " R-1 Single-Family Residential" to "R-3 Multifamily Residential" .

2. The subject property consists of Lot 1700 measuring 100 feet wide by approximately 125 feet deep and is currently occupied by a single family dwelling. This lot borders the Canyonville Christian Academy (CCA) gymnasium to the north, 2nd Street to the south with a CCA dorm and a 4-plex multifamily unit directly across that street. Across S. Canyon Street are a doctor's office with an attached rental, and, diagonally, a beauty shop and the Post Office. Behind the property on 2nd Street is a single-family home."
3. The properties across 2nd Street are zoned Multifamily Residential R-3. The area includes a doctor's office with a rental housing unit, a single family house, a beauty shop and the Post Office.
4. The applicant states that the property is ideal for the desired building because it is directly adjacent to the school's property, and very close to the existing dormitory. The small dormitory unit would be designed to house 25 students and would be similar to the existing dorm unit. The applicant states that the "dorm would be designed to look like a home to maintain the current 'home-like' feel of CCA."
5. Section 18.04.020 of the Canyonville Zoning Ordinance defines the purpose of the Zoning Code and sets the basic criteria for amendments to the Zoning Code and the Comprehensive Plan. The section requires that the codes must at all times be coordinated to create and maintain a proper environment for human interaction.
6. Section 18.28.020 of the Canyonville Zoning Ordinance defines permitted uses and structures allowed in the R-3 Multifamily Residential Zone, including: "*C. Fraternity and sorority houses, dormitories, retirement homes, religious quarters, residential hotels and nursing homes;*"

APPLICATION OF STANDARDS AND ULTIMATE FINDINGS

7. The Comprehensive Plan and State law require that changes to the Zoning Code and to the Comprehensive Plan comply with the statewide planning goals. Goal 10 requires that cities "provide for the Housing needs of citizens of the state." The proposed zoning change is consistent with the housing needs of citizens including students.
8. The Comprehensive Plan and State law require that changes to the Zoning Code and to the Comprehensive Plan comply with the statewide planning goals. Goal 12 requires that cities provide a safe, convenient and economic transportation system. There are minimal anticipated impacts to the traffic system because it is anticipated that resident students will not bring vehicles.
9. Canyonville Comprehensive Plan Housing Goal 1 is to provide housing appropriate to the needs of all members of the community. Goal 1, Policy 3 states: "as a general rule, high density residential uses should be located closest to commercial areas and public facilities." The proposed high density housing will serve an established use in Canyonville, and provided needed housing for that use. The proposed high density housing will be located close to the facilities

that the resident students will be using, and will be located close to commercial and commercial like uses. The proposed use will be low impact high density residential, and will serve as a buffer between residential properties and the commercial uses along S. Canyon Street.

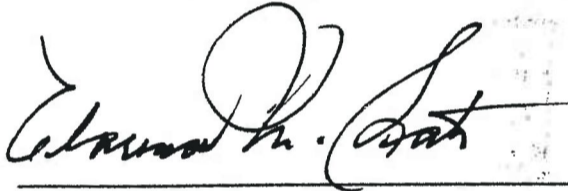
10. The Canyonville Planning Commission finds that the evidence presented shows that the subject property meets the criteria for inclusion in the proposed land use Multifamily Residential R-3. The Commission therefore concludes that there is justification for allowing the zoning change from Single Family Residential R-1 to the classification R-3.

DECISION

On the basis of the foregoing Findings of Fact, the proposed Zone Change is hereby APPROVED.

Dated this 13 day of April, 2007.

CANYONVILLE PLANNING COMMISSION



8-01

