



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

March 1, 2006



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 001-06

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: March 14, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

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# FORM 2

## DLCD NOTICE OF ADOPTION DEPT OF

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

FEB 24 2006

(See reverse side for submittal requirements)

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Canyonville Local File No.: ZC-02-05

(If no number, use none)

Date of Adoption: 2-21-06 Date Mailed: 2-22-06  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12-21-05

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

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.≡

Zone change from C02 Commercial Highway Related to C-1 Commercial  
Retail to allow a retail feed and farm supply store in the existing  
building.

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 : N/A to N/A

Zone Map Changed from Commercial Hwy Related to Commercial Retail

Location: 211 Lelan Ave. Canyonville Acres Involved: 0.72 acre

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 001-06 (14929)

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: ODOT

Local Contact: Cheryl Everett 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](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 578**

AN ORDINANCE DECLARING AN AMENDMENT TO THE CANYONVILLE ZONING MAP FOR PROPERTY KNOWN AS THE THOMAS PROPERTY LOCATED AT 211 LELAND AVENUE.

**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 February 2, 2006.
4. The subject property is currently designated in the Canyonville Comprehensive Plan as Commercial.
5. The subject property is currently zoned C-2 – Travel Commercial and upon adoption of this ordinance will cause a change to C-1 – Retail Commercial.
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.

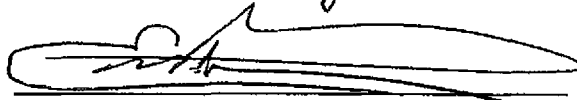
SECTION II. This zone change has been processed pursuant to the Canyonville Zoning Ordinance.

SECTION III. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated February 2, 2006 and incorporates that document herein as shown in Exhibit "B".

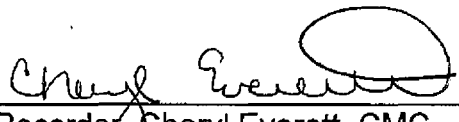
SECTION IV. The City Council hereby amends the Canyonville Zoning Map by applying the C-1 Retail Commercial zoning to the subject Parcel located at 211 Leland Avenue, as shown in Exhibit "A" attached hereto and made part of this ordinance.

PASSED BY THE CITY COUNCIL THIS 21<sup>st</sup> DAY OF February, 2006.

APPROVED BY THE MAYOR THIS 22<sup>nd</sup> DAY OF February, 2006.

  
\_\_\_\_\_  
Mayor, Ed Parker

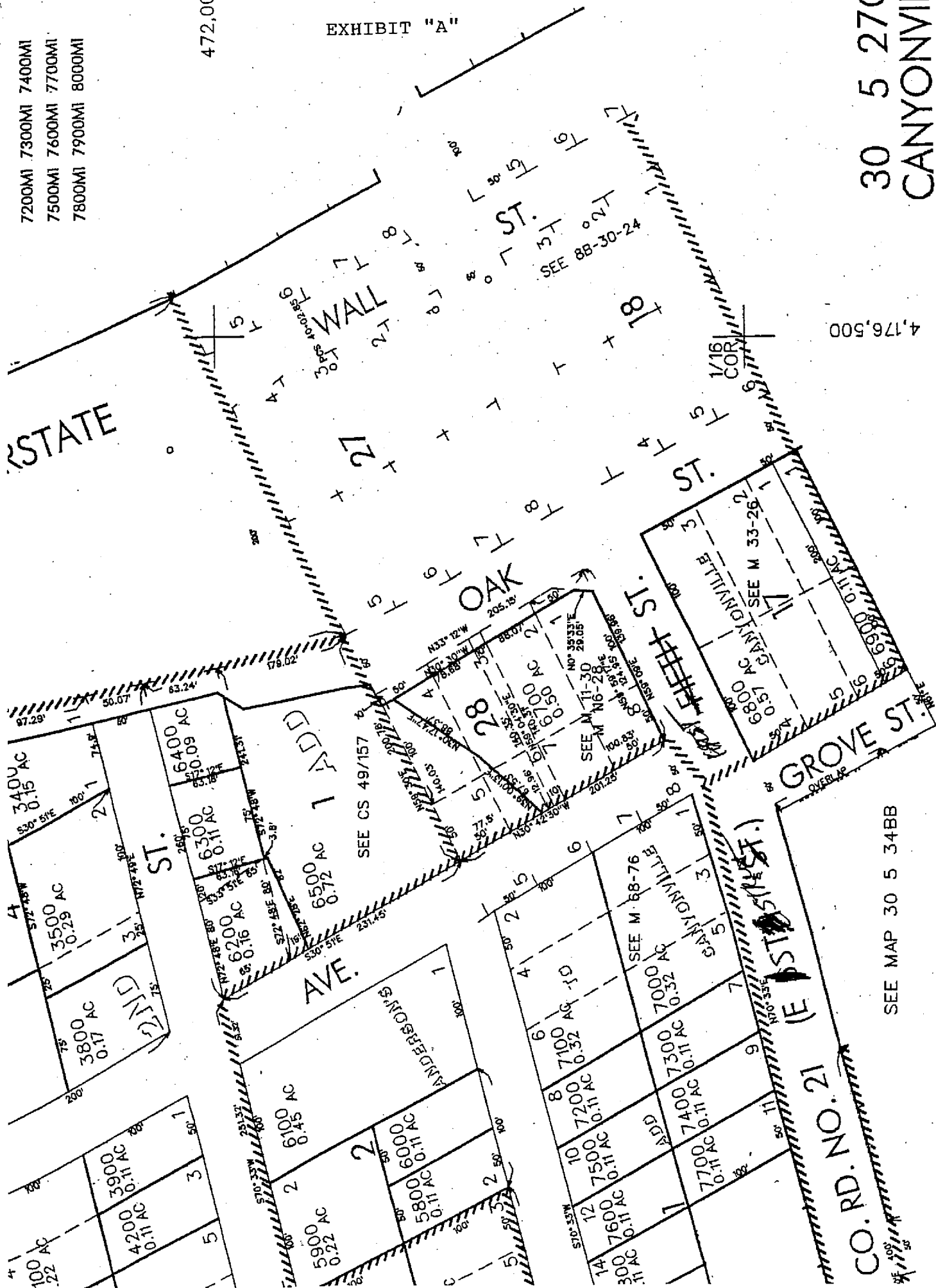
ATTEST:

  
\_\_\_\_\_  
City Recorder, Cheryl Everett, CMC

7200MI 7300MI 7400MI  
7500MI 7600MI 7700MI  
7800MI 7900MI 8000MI

472,00

EXHIBIT "A"



4,176,500

30 5 27C  
CANYONVILLE

SEE MAP 30 5 34BB

STANLEY ST.

EXHIBIT "B"

IN THE MATTER OF an application	]	
for Zone Change applied for by	]	FINDINGS of FACT
Gordon and Dalia Thomas for a	]	AND DECISION
parcel of land located at 211 Leland	]	
Avenue from C-2 Travel Commercial	]	ZONE CHANGE
to C-1 Retail Commercial. The parcel	]	ZC-02-05
can be identified as Township 30,	]	
Range 5, Section 27CC, Tax Lot 6500	]	
within the Douglas County Assessor	]	
records.	]	

1. This matter came before the Canyonville Planning Commission at a regularly scheduled meeting on February 2, 2006, in the Council Chamber, Canyonville City Hall.
2. The Planning Commission takes official notice of the Canyonville Comprehensive Plan and the Canyonville Zoning Ordinance.
3. The application was appropriately filed with the City of Canyonville and notice was sent to all property owners within 100 feet from the subject property at least 20 days prior to the February 2, 2006 public hearing date.
4. Notice was also given by publication in the News Review prior to the hearing date.
5. The Planning Commission recognized the applicant, Gordon Thomas and the applicant's agent Ron Schofield at the February 2, 2006 hearing. There were no parties to this matter.
6. The Planning Commission accepted the staff report; staff exhibits and heard a presentation from Staff regarding this matter.
7. The planning commission heard testimony from the applicant and the applicant's representative.
8. The Planning Commission finds that the following zone change provisions pursuant to Section 18.88.050 apply to this request:
  - 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.
9. The Commission finds that the Zone Change request is consistent with Policies within the Canyonville Comprehensive Plan.
10. The Commission finds that applicant's proposal complies with general development standards required by the City of Canyonville and that the area has been developed as and exhibits a "mixed use" character presently. The subject property is suitable for C-1 use.
11. The Commission finds that the request is similar to former uses of the property and will not create detrimental traffic increases or create negative impact on the surrounding area.
12. The Commission finds that the proposed zone change complies with applicable criteria within the Zoning Ordinance.

### DECISION

Based on the preceding analysis and findings, the Canyonville Planning Commission recommends that the City Council **APPROVE** Zone Change, ZC-02-05 applied for by Gordon and Dalia Thomas.

Dated this 2<sup>nd</sup> day of February, 2006

CANYONVILLE PLANNING COMMISSION

By   
Commission Chair