



# 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

4/21/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Canby Plan Amendment  
DLCD File Number 004-09

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: Tuesday, May 04, 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: Melissa Hardy, City of Canby  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Angela Lazarean, DLCD Urban Planner  
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA

# 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

In person  electronic  mailed

DATE  
STAMP

DEPT OF

APR 14 2010

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Canby**

Local file number: **TA 09-03**

Date of Adoption: **1/20/2010**

Date Mailed: **4/13/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/23/2009

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".

Amended Residential "Infill" Standards in order to exempt residential development in the High Density Residential (R-2) zoning district from infill requirements. This amendment did not change infill requirements in the R-1 or R-1.5 zoning districts.

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

Plan Map Changed from: **not applicable** to:

Zone Map Changed from: **not applicable** to:

Location: **regulation amendment affects all land zoned R-2** Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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...

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.** \_\_\_\_\_

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

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Local Contact: **Melissa Hardy**

Phone: (503) 266-7001 Extension: 262

Address: 170 N. 2<sup>nd</sup> Avenue

Fax Number: 503-266-1574

City: **Canby**

Zip: 97013-

E-mail Address: **hardym@ci.canby.or.us**

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## **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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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. 1323**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE SECTION 16.04.255 IN ORDER THAT RESIDENTIAL INFILL STANDARDS NO LONGER APPLY TO THE R-2 ZONING DISTRICT.**

**WHEREAS**, the City of Canby initiated an application (application no. TA-09-03) for an amendment to the text of Title 16, in order that residential infill standards only apply to the R-1 and R-1.5 zoning districts, but no longer apply to the R-2 zoning district; and

**WHEREAS**, the Planning Commission held a public hearing concerning the text amendment application on December 14, 2009, and based on their determination that the proposed amendment met all required approval criteria, voted 6-0 to forward a recommendation of approval to City Council; and

**WHEREAS**, the City Council received the text amendment application and Planning Commission recommendation on January 06, 2010, and found that the proposed amendment complies with the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that it complies with the Statewide Planning Goals; and

**WHEREAS**, the City Council voted 5-0 to approve Text Amendment No. TA 09-03 as presented, based on the findings in the Council staff report, including all attachments thereto, and directed staff to present Council with an ordinance to codify the amendment; and

**WHEREAS**, this ordinance is for the purpose of codifying Text Amendment No. TA 09-03 into law; now therefore,

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

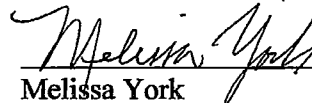
Section 1. Title 16 of the Canby Municipal Code (CMC), otherwise known as the "Land Development and Planning Ordinance of the City", Section 16.04.255, is amended as follows:

(Added text is illustrated below in red underlined font.)

16.04.255 Infill homes.

Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval).

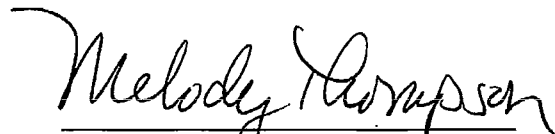
**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, January 06, 2010, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, January 20, 2010, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2<sup>nd</sup> Avenue, Canby, Oregon.

  
\_\_\_\_\_  
Melissa York  
Deputy City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 20th of January 2010, by the following vote:

YEAS 5

NAYS 0

  
\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa York  
Deputy City Recorder

City of Canby  
P. O. Box 930  
Canby, OR 97013

DLCD

Attn: Plan Amendment Specialist

635 Capitol Street N.E.

Suite #150

Salem, OR 97301-2540

