



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/27/2010

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 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, September 10, 2010

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 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 Evens, City of Canyonville
Gloria Gardiner, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Urban Planner

<paa> YA

FORM 2

D L C D 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

AUG 20 2010

Jurisdiction: City of Canyonville Local File No.: _____
(If no number, use none)

Date of Adoption: August 16, 2010 Date Mailed: August 18, 2010
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 21, 2010

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

(Please Specify Type of Action)

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

Update the code relating to public notices and removing the requirement for legal public notice in paper for quasi judicial applications. Romoving the illegal age restriction for manufactured homes. Establishing fees by resolution.

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.≡

no changes

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 10

Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 001-10 (18369) [16288]

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

APPLICATION: Ordinance amendment

APPLICANT: City of Canyonville
250 N. Main
Canyonville, OR 97417

REQUEST: Approve the following amendments to the City's Land use section of the municipal code:

Amendment #1 is to Section 18.88 relating to the public hearings and notification of hearings. The proposed language differentiates between a legislative action (one done by the City) and a quasi-judicial action (applicant request). It also cleans up some of the existing language, specifies what needs to be included in a mailed notice and eliminates the requirement to publish a quasi judicial application in the newspaper.

Amendment #2 deletes the age restriction for manufactured homes on individual lots. ORS 197.307 (5) specifies the restrictions a City is allowed to place on a Manufactured Home. Cities can not restrict the age.

Amendment #3 provides for the Council to establish land use fees by resolution and removes any reference to the specific dollar amount.

DECISION:

The City Council adopted the Planning Commission's findings and their recommendation to approve the proposed amendments.

DECISION CRITERIA AND FINDINGS:

The following is a list of the decision criteria applicable to the request. Based on their conclusions, the Commission must approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

DECISION CRITERIA #1: Approval of the request is consistent with the statewide planning goals.

FINDINGS:

- 1a.** The State Wide Planning Goals that apply to this amendment are Goal #1 Citizen Involvement, Goal #2 Land Use Planning and Goal #10 Housing.
- 1b.** State Wide Planning Goal #1 Citizen Involvement applies to only amendment #1. The general purpose of the goal is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
- 1c.** Amendment #1 amends section 18.88.070 of the Canyonville Municipal Code to read as follows:
 - A.** The planning commission shall hold at least one public hearing on any proposed rezone, text amendment, comprehensive plan amendment or comprehensive map amendment. Notice of such hearing shall be as follows:
 - 1. Published in a newspaper of general circulation in the City not less than 20 days before the evidentiary hearing is held or 10 days before the first evidentiary hearing, if two or more evidentiary hearings are allowed.
 - 2. Notice of the amendment must be sent to Department of Land Conservation and Development 45 days prior to the hearing pursuant to ORS 197.610.
 - 3. Any amendment that limits or prohibits land uses previously allowed in the affected area requires individual notice as described in Oregon Revised Statutes 227.186.
 - B.** Before permission for a conditional use, variance, or temporary use may be granted, the application therefore must be considered at a public hearing by the planning commission. Notice of the hearing shall be as follows:
 - 1. Notice shall be mailed to all property owners within 100 feet of the applicant's property. Such notice shall not be mailed less than 20 days prior to the date of hearing.
 - C.** All mailed public notices must comply with ORS 197.763 and contain the following information:
 - 1. Date, time and location of the hearing.
 - 2. Explain the nature of the application.

3. List the applicable criteria in the ordinance
4. Set forth the street address
5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal on that issue.
6. Include the name of a local government representative to contact where additional information may be obtained.
7. State that a copy of the application and all documents are available for viewing at no cost.
8. State that a copy of the staff report will be available at least seven days prior to the hearing. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

- 1d.** Amendment #1 brings the notification requirements into compliance with the Oregon Revised Statutes and Statewide Planning Goal #1.
- 1e.** Statewide Planning Goal #2 Land Use Planning applies to both amendment #1 & #2. The intent of Goal #2 is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure adequate factual base for such decisions and actions.
- 1f.** Amendment #2 amends Chapter 18.32 of the Canyonville Municipal Code by deleting the following section from (2).

The manufactured home must be no older than five years from the time the placement permit application is made.

- 1g.** Oregon Revised Statute 197.314 requires a City to allow manufactured homes in all lands zoned for single family uses. A local government may only subject the siting of a manufactured home to regulations set forth in ORS 197.307 (5)
- 1h.** Oregon Revised Statute 197.307 (5) specifies the maximum regulations that can be placed on a manufactured home. A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standards, for the approval of manufactured homes located outside mobile home parks.
1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
 2. The manufactured home shall be placed on an excavated and back filled foundation and enclosed at the perimeter.
 3. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding commonly used on residential dwellings.
 4. The manufactured home shall have a pitched roof.
 5. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards defined by the state building code.
 6. Have a garage or carport.

7. Apply and development or architectural requirement that is also applied to single-family residences.
- 1i. Amendment #2 which removes the five year age requirement will bring the City's Municipal Code into conformance with ORS 197.307 (5) and is consistent with Planning Goal #2.
 - 1j. Goal #10 Housing applies to Amendment #2. The general purpose of the goal is to provide for the housing needs of the citizens of the state. The removal of the age requirement for manufactured homes is less restrictive and will comply with Goal #10.
 - 1k. Amendment #3 which provides for the City to set fees by a resolution vs including them in an ordinance is simply a policy change and not a land use issue. The City contracts with a publishing company to update the municipal code once a year. Not including the specific dollar amounts in the municipal code will eliminate the need for the City to pay to have the ordinance updated every time the fee changes.

DECISION CRITERIA #2: Approval of the request is consistent with the Comprehensive Plan.

FINDINGS:

- 2a. The Canyonville Comprehensive Plan establishes a Citizen Involvement goal to provide sufficient opportunities for Citizen involvement in the City's Planning Process. It further provides for the implementation of the goal through the following policies:
 - 1. The City shall, through the Planning Commission and the Common Council, allow interested persons to participate in the adoption, review and evaluation of the Canyonville Comprehensive Plan and Implementing measures, amendments and revisions thereto by means of oral or written testimony.
 - 2. Written material and other exhibits considered in making land use policy decisions shall be available for public review at City Hall.
- 2b. Amendment #1: The proposed language differentiates between a legislative action (one done by the City) and a quasi-judicial action (applicant request). It also cleans up some of the existing language, specifies what needs to be included in a mailed notice and eliminates the requirement to publish a quasi judicial application in the newspaper. These changes all directly meet the Citizen Involvement Goal and policies for Canyonville.
- 2c. The Canyonville Comprehensive Plan housing goal is to provide housing appropriate to the needs of all members of the community. The only policy that directly relates to amendment #2 is policy #3 to encourage the quick replacement of all dilapidated housing with inexpensive alternatives.
- 2d. Amendment #2 removes the age restriction for manufactured homes on lots and leaves only the allowable siting requirements. This change is consistent with

Policy #3 since manufactured homes typically are less expensive than stick built dwellings.

2e. Amendment #3 does not impact the City of Canyonville Comprehensive Plan.

DECISION CRITERIA #3: The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.

FINDINGS:

3a. None of the proposed amendments change the allowable uses in the existing zones so there is no impact to the public facilities.

DECISION CRITERIA #4: The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.

FINDINGS:

4a. It is in the public's best interest to have a Land Use Plan that is consistent with all the state laws. Amendments #1 and #2 both correct deficiencies within the current code and bring the code into compliance with state law.

DECISION CRITERIA #5 When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility in accordance with Oregon Administrative Rule OAR 660-0012-0060.

5a. The proposed amendments do not impact the transportation system.

DECISION CRITERIA #6: A proposal shall be in the public interest with regard to neighborhood or community conditions when it can be shown to be compatible with the neighborhood such that the full range of possible uses will not interfere with conforming uses in the neighborhood.

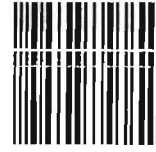
6a. None of the proposals affect the allowable uses within any of the specific zones. The removal of the age restriction for manufactured homes on lots within the City does increase the possibilities of installing older homes verses newer homes. However, the City must comply with state law.

RECOMMENDATION: Approve the amendment to the Land Use Section of the Municipal code.

City of Canyonville
Box 765
Canyonville Or 97417



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97301

U.S. POSTAGE
PAID
CANYONVILLE, OR
97417
AUG 19, 2010
AMOUNT

\$1.22
00037631-01

DLCD
att: Plan amendment
635 Capitol St. NE Suite 150
Salem Or 97301