



**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**

12/05/2011

**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 002-11

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:** Wednesday, December 14, 2011

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  
Angela Lazarean, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative  
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-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 LAND CONSERVATION AND DEVELOPMENT**

NOV 28 2011

For Office Use Only

Jurisdiction: **City of Canyonville**

Local file number:

Date of Adoption: **11/21/2011**

Date Mailed: **11/22/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 9/7/2011

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".

The amendment adds public utilities as a conditionally permitted use in all residential and commercial zones.

Does the Adoption differ from proposal? Please select one

no

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

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 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.** 002-11 (18962) [16848]

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

none

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Local Contact: **Janelle Evans**

Phone: (541) 839-4258 Extension:

Address: **Box 765**

Fax Number: - -

City: **Canyonville** Zip: **97417-**

E-mail Address:

**cityadministrator@cityofcanyonville**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

**ORDINANCE NO. 609**

**AN ORDINANCE ADDING PUBLIC FACILITIES AS A CONDITIONALLY PERMITTED USE IN ALL RESIDENTIAL AND COMMERCIAL ZONES**

**WHEREAS**, the City's Municipal Code currently provides for the establishment of public facilities only in the Community Service Zone; and

**WHEREAS**, providing for the placement of public facilities through a conditional use permit would provide greater flexibility for providing necessary public utilities; and

**WHEREAS**, the ability to provide public utilities in any zone through a conditional use permit is more practical; and

**WHEREAS**, the City has a need to expand the existing wastewater treatment plant; and

**WHEREAS**, the subject property is zoned residential;

**NOW, THEREFORE**, the City of Canyonville ordains as follows:

**Section 1.** Add the following definition to the definition section of the Canyonville Municipal Code as Section 18.08.665:

Public Utilities: Utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, sewer pump stations, water reservoirs, water treatment plants, wastewater treatment plants, radio, microwave, and telephone transmitters.

**Section 2.** Add Public Utilities to the conditionally permitted uses listed in the Municipal Code for the following residential zones:

Section 18.20.040 Single Family Residential (R1) zone .  
Section 18.24.040 Manufactured Home/Duplex Residential (R2) zone.  
Section 18.28.040 Multifamily Residential (RM) zone.

**Section 3.** Add Public Utilities to the conditionally permitted uses listed in the Municipal Code for the following commercial zones:

Section 18.40.040 Retail Commercial (C1) zone.  
Section 18.44.040 Travel Commercial (C2) zone.  
Section 18.48.040 Office Professional (C3) zone.

**Section 4. Severance Clause.** Should any section, provision, clause, or portion of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared invalid.

**Section 5. Effective Date.** This ordinance shall become effective on the 30<sup>th</sup> day following its passage.

**PASSED** by the Canyonville City Council this 21<sup>st</sup> day of NOVEMBER, 2011.

APPROVED AND SIGNED this 21<sup>ST</sup> day of NOVEMBER, 2011.

Robert A. Deaton  
Robert A Deaton, Mayor

ATTEST:

Janelle Evans  
Janelle Evans, City Recorder

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# 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](mailto:city@cityofcanyonville.com)

## FINAL ORDER

**DATE:** November 21, 2011  
**APPLICATION:** Ordinance amendment  
**APPLICANT:** City of Canyonville  
250 N. Main  
Canyonville, OR 97417

### REQUEST:

The City is proposing to amend the Land Use Section of the Municipal Code to add public utilities as a conditionally permitted use in all residential or commercial zones. Currently the zoning ordinance only allows public utilities in the Community Service zone.

### 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 #2 Land Use Planning and Goal #11 Public Facilities.

COC/LAND USE/CONDITIONALUSE /final order

- 1b.** 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.
- 1c.** The proposed amendment would amend the following Sections in Chapters 18.20, 18.24, 18.28, 18.40, 18.44 and 18.48 of the Canyonville Municipal Code:
- Section 18.20.040 to allow public utilities as a conditionally permitted use in the R 1 Single Family Residential Zone.
  - Section 18.24.040 to allow public utilities as a conditionally permitted use in the R 2 Manufactured Home/Duplex Residential Zone
  - Section 18.28.040 to allow public utilities as a conditionally permitted use in the R 3 Multifamily Zone.
  - Section 18.40.040 to allow public utilities as a conditionally permitted use in the C1 Retail Commercial Zone.
  - Section 18.44.040 to allow public utilities as a conditionally permitted use in the C2 Travel Commercial Zone.
  - Section 18.48.040 to allow public utilities as a conditionally permitted use in the C3 Office Professional Zone.
- 1d.** Public Utilities is defined as utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, sewer pump stations, water reservoirs, water treatment plants, wastewater treatment plants, radio, microwave, and telephone transmitters.
- 1e.** The Canyonville Comprehensive Plan identifies a goal to ensure that future development enhances our community's quality of life and proceeds in an orderly manner. Providing for the placement of public facilities through a conditional use permit in all zones will assure orderly development. Most of the remaining undeveloped land within Canyonville is sloped and may require the installation of pump stations to provide water and sewer service
- 1f.** Policy 6 of the Land use Section establishes four phases of potential development for the City of Canyonville. Phase I identified infilling of lots already serviced by utilities. This phase was completed in 1982 according to the Comprehensive Plan. Phase II directed growth in the areas north and west of town contiguous to existing development and where services were readily available. Most of this area is currently developed. The only remaining land to develop is the land to the east of the City. Most of this land has slopes between 12-25% according to the Steep Slope Map. Allowing public utilities through the conditional use process would aide in the development of properties within this area.
- 1g.** The City of Canyonville has adopted Public Facility Goals and Policies in accordance with State Wide Planning Goal# 11 Public Facilities. The Community Facilities Section talks at length about the City's water and wastewater systems and their ability to serve new development. However, much of this information is old and outdated. The City has developed new water sources and has adequate capacity for future growth. The wastewater facility is in the process of being

upgraded for DEQ compliance and growth.

- 1h.** The City has purchased land adjacent to the existing sewer plant for the plant upgrade. This property is currently zoned residential and amending the ordinance to conditionally allow public utilities in a residential zone will allow the city to utilize the property for the wastewater upgrade. Providing adequate wastewater facilities will comply with the intent of Goal# 11.

**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.** A copy of the proposed text amendment, staff report and implementing ordinance have been available at City Hall for review 20 days prior to the meeting.

- 2c.** Section 18.88.070 of the Canyonville Municipal Code Section 1 (A) requires at least one public hearing on any proposed text amendment. Notice of the hearing is required to be published in a newspaper not less than 20 days before the hearing.

- 2d.** Notice of the proposed text amendment was published in the Douglas County Mail on October 13, 2011. The required 45 days notice for text amendments was sent to Department of Land Conservation and Management on September 19, 2011.

- 2e.** The addition of public utilities as a conditionally permitted use in the residential and commercial zones does not alter the 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.** The purpose of the amendment is to provide greater flexibility in providing necessary public utilities for new developments.



**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.** The ability to provide public utilities in any zone through a conditional use permit is a more practical approach to providing necessary infrastructure than the current practice of rezoning the property.

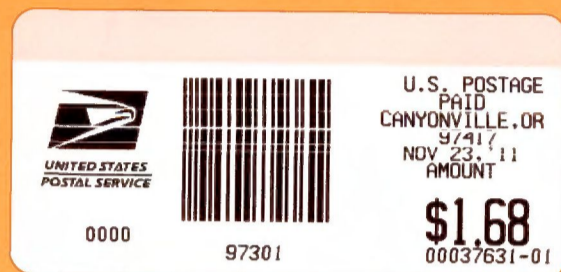
**DECISION CRITERIA #5 When a development application includes a proposed Comprehensive Plan Amendment or Land Use District Change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility in accordance with Oregon Administrative Rule OAR 660-0012-0060.**

- 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.** Some public utilities such as a wastewater treatment plant would impact surrounding properties more than a wastewater pump station. Allowing public utilities through a conditional use permit process would allow the Planning Commission to require mitigation measures where necessary.

Canyonville  
65  
ville OR 97417



DEPT OF  
NOV 28 2011  
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AND DEVELOPMENT

DLCA  
Plan amendment Specialist  
635 Capitol St. NE Suite 150  
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