



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/27/2012

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 001-12

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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 10, 2012

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 Planner
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAR 21 2012

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

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

Jurisdiction: Canyonville

Local file number:

Date of Adoption: **3/19/2012**

Date Mailed: **3/20/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/20/2012

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 site design standards and temporary use permit are listed in two different sections of the Municipal code. The amendment will eliminate the duplication. There is an inconsistency between the home occupation section of the Code and the listed uses in the Residential zones. The home occupation section states they are permitted uses in all residential zones. The residential zones list them as conditional uses. The amendment will make home occupations a permitted use in all residential zone

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

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. 001-12 (19151) [16985]

DLCD File No. _____

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

none these are housekeeping items

Local Contact: **Janelle Evans, City Administrator** Phone: (541) 839-4258 Extension:
Address: **Box 765** Fax Number: - -
City: **Canyonville Or** Zip: **97417-** E-mail Address:
cityadminstrator@cityofcanyonville.

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.

CITY OF CANYONVILLE

TO: PLANNING COMMISSION
FROM: CITY ADMINISTRATOR/RECORDER
DATE: MARCH 8, 2012
APPLICANT: CITY OF CANYONVILLE
SUBJECT: AMENDMENT

REQUEST:

The proposed Ordinance amendment is a housekeeping item which will correct the following deficiencies or errors in the City's Municipal Code:

- Eliminate the duplication of the design review standards in the Municipal Code. These standards are listed in Section 18.72.075 and Section 18.88.110 of the Municipal Code. Both sections are identical in language so Section 18.88.110 is being eliminated.
- Temporary Use Permits are listed in Section 18.72.020 and 18.88.040 (E) of the Municipal Code. Both sections have the exact same language. Deletion of Section 18.88.040 will eliminate the duplication.
- Correct the contradiction between home occupations as an outright permitted use versus a conditionally permitted use. The home occupation section of the Ordinance states that home occupations will be permitted uses in all zones. However, the individual zones list home occupations as conditionally permit.
- Change the Title for Chapter 18.96 from Temporary Permit to Hardship Permit. The permit provided for in Chapter 18.96 deals with approval of hardship due to medical conditions which has different criteria than a temporary permit.
- Chapter 18.20 Section 18.20.020 A. Change to read single family residences and manufactured homes subject to the special siting requirements listed in Chapter 18.32. Currently there is no cross reference to the special siting requirements for manufactured homes.
- A cross reference to section 18.76.150 which establishes conditions for retail manufacturing on the site shall be added to the permitted accessory uses in all Commercial zones.
- Section 18.88.020 contradicts itself. Item A states the City Recorder can only authorize permits for single family dwellings, repairs to single family dwellings and repairs to other buildings provided the alteration costs are under \$5,000.00. In Section B it states the City Recorder can review all permitted uses and structures.

Section B is being removed, the City Recorder typically reviews and approves all uses that do not require a hearing.

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 proposed amendment will eliminate the duplication of the design review standards in the Municipal Code. The design standards are listed in Section 18.72.075 and Section 18.88.110 of the Municipal Code. Both sections are identical in language so Section 18.88.110 is being eliminated.
- 1b. Temporary Use Permits are listed in Section 18.72.020 and 18.88.040 (E) of the Municipal Code. Deletion of Section 18.88.040 will eliminate the duplication.
- 1c. There is a contradiction in the Municipal Code regarding home occupations. The home occupation section of the Ordinance states home occupations will be permitted uses in all zones. However, the individual zones list home occupations as conditionally permitted. The new language will make home occupations a permitted use in the residential zone as long as they conform to all the standards listed in the home occupation section.
- 1d. Changing the title of Chapter 18.96 from Temporary Permit to Hardship Permit will eliminate the confusion regarding the uses specifically listed under temporary use permits and the special section entitled temporary use permits which is exclusive to medical hardships.
- 1e. Adding the reference to the special siting requirements for manufactured homes in Section 18.20.020 will insure the inclusion of the requirements to potential home owners.
- 1f. Inclusion of the cross reference to Section 18.76.150 for all commercial zones will guide readers to the additional regulations for manufacturing on the premises.
- 1e. The proposed amendments are strictly either housekeeping items or clarifications of the existing code. None of the proposed changes alters the uses, regulations or requirements for the existing code. They have no effect on the Statewide Planning Goals.

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. Notice of the proposed amendment was published in the Douglas County Mail on February 16, 2012.
- 2c. The amending ordinance, staff report and all written material pertaining to the amendment have been available for public review at City Hall since February 1, 2012.

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 uses in the existing zones. Traditional Home Occupations have historically been permitted outright as specified in the home occupation section of the ordinance. Moving home occupations from a conditionally permitted use to an outright permitted use will correct the error.
- 3b. All the changes in the proposed amendment are necessary to correct inconsistencies or add clarification to the Municipal Code and have no impact on 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 and implementing ordinance that is consistent. The proposed amendments will correct previous errors and inconsistencies in the implementation section of the Municipal Code.

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. All of the proposed amendments are to either eliminate duplication of rules within the code or to assist in making the code more user friendly. The only proposed change to a use is the correction of home occupations as permitted uses in residential zones.
- 6b. The home occupation section of the Municipal Code states that home occupations will be allowed in all residential zones. Historically all home occupations have been approved as allowed uses even though the residential zones listed them as conditionally permitted. Correcting the residential zones to list home occupations as permitted uses will not change the uses allowed in the residential zones.

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

Chapter 18.20 R-1 SINGLE-FAMILY RESIDENTIAL ZONES

Sections:

- 18.20.010 Intent.
- 18.20.020 Permitted uses and structures.
- 18.20.030 Permitted accessory uses and structures.
- 18.20.040 Conditional uses.
- 18.20.060 Minimum lot size.
- 18.20.070 Setback requirements.
- 18.20.080 Building height.

18.20.010 Intent.

This district is intended to provide a low density area, protected as to quality, values, identity, environmental privacy, light and air and outdoor space. Meant to conform to service systems and facilities which support the residential quality of the area.

(Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.07, 1980)

18.20.020 Permitted uses and structures.

In the R-1 zone, permitted uses and structures shall be as follows:

- A. Single-family residences including manufactured homes subject to the special siting requirements listed in Chapter 18.32; and
- B. Residential homes (five persons or less).
- C. Traditional Home Occupations subject to the regulations listed in 18.76.130

(Ord. 536 § 3 Exh. A (part), 1997; Ord. 484-Z § 4, 1994; Ord. 435 § 2, 1988; Ord. 343 § 6.08, 1980)

18.20.030 Permitted accessory uses and structures.

In the R-1 zone, the following uses and their accessory uses are permitted:

- A. Residential garages and carports;
- B. Private workshops;
- C. Private greenhouses;
- D. Private swimming pools;
- E. Private tennis courts;
- F. Other uses determined by the city planning commission to be of a similar and compatible nature.

(Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.09, 1980)

18.20.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions:

- A. Boarding houses;

~~B. Traditional home occupations;~~

C. Parks and open space;

D. Schools;

E. Churches.

(Ord. 550 § 1 (part), 1999; Ord. 536 § 3 Exh. A (part), 1997; Ord. 534 § 1 (part), 1997; Ord. 343 § 6.10, 1980)

18.20.060 Minimum lot size.

In the R-1 zone, the average lot area per family shall not be less than seven thousand five hundred square feet, and the minimum lot frontage shall be seventy-five feet. In developments of greater than five acres, lot sizes may be reduced to no less than six thousand square feet as a result of density transfer, provided that all perimeter lots remain a minimum of seven thousand five hundred square feet.

(Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.11, 1980)

18.20.070 Setback requirements.

In the R-1 zone, the minimum setback requirements shall be as follows:

A. The front building setback shall be:

1. A minimum of twenty-five feet along arterial and collector streets;
2. A minimum of fifteen feet along local streets;
3. Except that garages shall be set back a minimum of twenty feet from any street.

B. The side building setback shall be:

1. A minimum of five feet; except
2. If the side setback abuts a collector or arterial street, in which case the minimum shall be twenty-five feet;
3. Otherwise, the street side yard setback shall be fifteen feet.

C. The rear setback shall be a minimum of ten feet;

D. See Sections 18.76.010 and 18.76.020 for additional setback requirements and Section 18.72.070 for setbacks on streets with incomplete rights-of-way.

(Ord. 536 § 3 Exh. A (part), 1997; Ord. 417 § 1, 1987; Ord. 343 § 6.12, 1980)

18.20.080 Building height.

In the R-1 zone, the height of a building shall not exceed thirty-five feet.

(Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.13, 1980)

Chapter 18.24 R-2 MANUFACTURED HOME PARK/DUPLEX RESIDENTIAL ZONE

Sections:

- 18.24.010 Intent.
- 18.24.020 Permitted uses and structures.
- 18.24.030 Permitted accessory uses and structures.
- 18.24.040 Conditional uses.
- 18.24.050 Minimum lot size.
- 18.24.060 Setback requirements.
- 18.24.070 Building height.

18.24.010 Intent.

This district is intended to provide a medium density zone meant to serve primarily as a duplex and manufactured home park residential district.

(Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.14, 1980)

18.24.020 Permitted uses and structures.

In an R-2 zone, the following uses are permitted:

- A. A use permitted in the R-1 zone;
- B. Duplexes;
- C. Residential homes (five persons or less);
- D. Manufactured home parks, subject to the standards of Chapter 18.36.
(Ord. 536 § 3 Exh. A (part), 1997; Ord. 435 § 3, 1988; Ord. 343 § 6.15, 1980)
- E. Traditional Home Occupations subject to the regulations listed in 18.76.130

18.24.030 Permitted accessory uses and structures.

In an R-2 zone, the following uses and their accessory uses are permitted:

- A. Garages or parking spaces for each dwelling unit;
- B. Noncommercial swimming pools, noncommercial tennis courts, greenhouses, garden, tool or garbage sheds.
- C. Uses accessory to a manufactured home park, as prescribed in Chapter 18.36.
(Ord. 536 § 3 Exh. A (part), 1997; Ord. 343 § 6.16, 1980)

18.24.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions:

- A. Boardinghouses;
- ~~B. Traditional home occupations;~~
- C. Residential facilities to include: residential care facility, residential training facility and residential treatment facility;

18.40.030 Permitted accessory uses and structures.

In a C-1 zone any use or structure customarily accessory to permitted uses shall be permissible. Manufacturing for retail sales on the premises is subject to the restrictions listed in Section 18.76.150.

(Ord. 343 § 6.44, 1980)

18.40.040 Conditional uses.

After hearing and attachment of conditions, the following are permitted:

- A. Garden supply stores, horticultural nurseries, drive-in windows and stalls for banks, newspaper and printing plant;
- B. Service uses inside or outside a building: auto repair, auto sales, boat sales, carwash, gasoline sales, nursery, outdoor market, plumbing and heating service, recreation facility, secondhand sales, veterinary clinic, large animal veterinary clinic (see definition);
- C. Apartments as an accessory use as defined in Sections 18.08.020 and 18.08.050.

(Ord. 534 § 1 (part), 1997; Ord. 532 § 2, 1997; Ord. 343 § 6.45, 1980)

(Ord. No. 594, § 1(Exh. A), 1-20-2009)

18.40.050 Minimum lot size.

In a C-1 zone, the lot area shall not be less than five thousand square feet; the minimum lot frontage shall be fifty feet.

(Ord. 343 § 6.46, 1980)

18.40.060 Lot coverage.

In a C-1 zone the maximum lot coverage shall not exceed one hundred percent including parking and buffer zones.

(Ord. 343 § 6.47, 1980)

18.40.070 Setbacks.

Buildings shall be located a minimum of fifteen feet from the side of a lot, and twenty-five feet from the rear of a lot. These setback requirements shall not apply unless the lot adjoins a residential district. See Sections 18.76.010 and 18.76.020 for additional setbacks, and see Section 18.72.070 for setbacks on streets with incomplete rights-of-way.

(Ord. 392 § 2, 1985; Ord. 343 § 6.48, 1980)

18.40.080 Building height.

In a C-1 zone the height of a building shall not exceed fifty feet or thirty-five feet when lot adjoins a residential district.

(Ord. 343 § 6.49, 1980)

Chapter 18.44 C-2 TRAVEL COMMERCIAL ZONE

Sections:

- 18.44.010 Intent.
- 18.44.020 Permitted uses and structures.
- 18.44.030 Permitted accessory uses and structures.
- 18.44.040 Conditional uses.
- 18.44.050 Minimum lot size.
- 18.44.060 Lot coverage.
- 18.44.070 Setbacks.
- 18.44.080 Building height.

18.44.010 Intent.

This district is intended to provide for uses and facilities serving primarily the tourist and other transient highway users. Such services will also provide off-street parking and loading and will also curtail adverse effects on nearby areas.

(Ord. 343 § 6.50, 1980)

18.44.020 Permitted uses and structures.

In a C-2 zone the following uses are permitted after site design review:

- A. Service stations;
- B. Motels, hotels;
- C. Restaurants, cafes or other eating establishments;
- D. Gift shops;
- E. Residential home (five persons or less) in a pre-existing residential dwelling;
- F. Other uses later deemed conditional by the city planning commission.

(Ord 435 § 9, 1988; Ord. 343 § 6.51, 1980)

(Ord. No. 594, § 1(Exh. A), 1-20-2009)

18.44.030 Permitted accessory uses and structures.

In a C-2 zone any use or structure customarily accessory to permitted uses shall be permissible. Manufacturing for retail sales on the premises is subject to the restrictions listed in Section 18.76.150.

(Ord. 343 § 6.52, 1980)

18.44.040 Conditional uses.

After hearing and attachment of conditions, the following are permitted:

- A. Drive-in windows and stalls for banks and eating places;
- B. Production of items sold on the premises;

In a C-3 zone the following uses are permitted:

- A. Professional offices and hospitals, including but not limited to insurance, doctor, dental and real estate offices, banks, savings and loans, accountants, engineers and attorneys;
- B. Residential home (five persons or less), in a pre-existing residential dwelling.

(Ord. 435 § 10, 1988; Ord. 343 § 6.59, 1980)

18.48.030 Permitted accessory uses and structures.

In a C-3 zone any use or structure customarily accessory to permitted uses shall be permissible. Manufacturing for retail sales on the premises is subject to the restrictions listed in Section 18.76.150.

(Ord. 343 § 6.60, 1980)

18.48.040 Conditional uses.

After hearing and attachment of conditions, the following are permitted:

- A. None.

(Ord. 343 § 6.61, 1980)

18.48.050 Minimum lot size.

In a C-3 zone, the lot area shall not be less than five thousand square feet and the minimum lot frontage shall be fifty feet.

(Ord. 343 § 6.62, 1980)

18.48.060 Setbacks.

Setback requirements shall not apply unless adjoining any residential district, in which case a minimum fifteen-foot side setback and twenty-five-foot rear setback shall apply. See Section 18.76.020 for additional setbacks, and see Section 18.72.070 for setbacks on streets with incomplete rights-of-way.

(Ord. 343 § 6.63, 1980)

18.48.070 Building height.

In a C-3 zone the height of a building shall not exceed fifty feet or thirty-five feet when lot adjoins a residential district.

(Ord. 343 § 6.64, 1980)

Chapter 18.52 I-L LIGHT INDUSTRIAL ZONE

Sections:

- 18.52.010 Intent.
- 18.52.020 Permitted uses.
- 18.52.030 Conditional uses.

18.88.020 Building and placement permits.

~~A. Hereafter, the recorder and the building inspector may issue building permits on their own authority for the following types of projects only:~~

- ~~1. The building of a single family home which complies with all the regulations for the district it is located in;~~
- ~~2. The repair or alteration of a single family home provided that such new construction does not violate any district regulations;~~
- ~~3. The repair or alteration of any building, provided that such construction does not, or will not, result in a change of use for that structure, and does not change the basic form of the structure and costs under five thousand dollars and does not violate any district regulations.~~
- ~~4. Manufactured home placement permits pursuant to Chapters 18.32 and 18.34 of this title.~~

~~B. All other forms of building and construction fall into one of the following two types:~~

1. Permitted Uses and Structures and Permitted Accessory Uses and Structures. For all such uses and structures, applications for building permits will be forwarded to the administrator who shall review the application for compliance with the zoning regulations, and, if necessary, recommend changes that he feels would be beneficial. ~~Such recommendations are advisory only, and must be made within ten days following the date of application. No public hearing is required.~~
2. Conditional Uses, Variances, Temporary Permits.
 - a. For all such uses and structures, application forms for zoning and building permits shall be filed with the administrator so that he can review the application and material submitted with it and prepare a report to the planning commission.
 - b. The administrator shall also set a date for a public hearing before the planning commission on the application. This hearing shall take place within forty days after the filing of the application. If a quorum of the planning commission is not in attendance at the scheduled public hearing, the hearing shall be rescheduled at that time for a later date. If a quorum of the planning commission is not in attendance at the rescheduled public hearing, the matter will be heard and decided by the city council at its next regularly scheduled meeting.
 - c. All conditional uses, variances, and temporary permits issued by the planning commission are nontransferable.
 - ~~d. Subsection C of this section shall not be affected by the foregoing provisions set out in this paragraph 2 of this subsection.~~

C. All applications for building permits of the type requiring review by the administrator or hearing by the city planning commission shall contain or have attached enough plans, specifications and information for either the administrator or the city planning commission and other officials to accurately ascertain the existing state of the area

where the proposed activity will take place and to fully examine the intentions of the applicant. Construction shall be in substantial conformance to plans approved by the city planning commission. The plans shall contain the following information:

- a. Property description;
- b. Building location on the property;
- c. Location of parking and screening of parking in those areas abutting a residential district;
- d. Access to public streets;
- e. Signs.

(Ord. 484-Z § 14, 1994; Ord. 477 § 4 (part), 1993; Ord. 430 § 3, 1988; Ord. 392 § 6, 1985; Ord. 343 § 11.0, 1980)

18.88.040 Conditional use, variance and temporary permit--Procedure.

- A. Intent. It is recognized that there are special uses which, because of their unique characteristics or temporary nature, cannot be properly classified in any particular zoning district without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular location.
- B. Procedure.
1. Where the applicant for a conditional use permit, variance or temporary permit merely desires permission to change the use or activity in a certain space or structure, but not make a structural change or initiate new construction, he shall file an application for a permit with the administrator. The application shall be filed in the office of the administrator and shall be accompanied by the filing fee specified in Section 18.88.080.
 2. The administrator shall review the application and prepare a report to the planning commission. The administrator shall also set a date for a public hearing before the planning commission on the application. This hearing shall take place within forty days after the filing of the application. In the matter of residential facilities, the approval or denial of the conditional use permit shall be within ninety days after the application is determined complete. The residential facilities application shall also be accompanied by a copy of the state licensing application.
 3. If a quorum of the planning commission is not in attendance at the scheduled public hearing, the hearing shall be rescheduled at that time for a later date. If a quorum of the planning commission is not in attendance at the rescheduled public hearing, the matter will be heard and decided by the city council at its next regularly scheduled meeting.
- C. Conditional Use. A "conditional use" means a use listed among those classified in any given zone, but permitted to locate only after review by the city planning commission and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities.
- D. Variance. It is recognized that the city planning commission may authorize, upon appeal in a specific case, such variances from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship.
- E. Temporary Permits. Notwithstanding the limitations of use as established by this title in each of the several districts, the city planning commission may issue temporary permits for uses, which because of their unique character and temporary nature are deemed to be suitable and proper temporary uses of land or structures. ~~As a condition of issuance, the city planning commission may attach any conditions they deem necessary for the protection and preservation of property rights and values of adjacent properties. Such permits shall be issued for a specific period of time not to exceed one year. Permits may be renewable after reapplication and review by the city planning commission sixty days prior to expiration. Such permits shall be issued for structures or uses which are of a temporary nature such as:~~

- ~~1. Storage of equipment during the building of roads, developments or logging operations;~~
- ~~2. Real estate office used for the sale of lots or housing in subdivision, i.e., tract offices;~~
- ~~3. Contractor's job sheds used in conjunction with the building of a structure, road, etc.;~~
- ~~4. Portable sawmills, rock crushers, asphalt batch plants;~~
- ~~5. Temporary housing in connection with above uses;~~
- ~~6. Other uses of a similar temporary nature when approved by the city planning commission.~~

(Ord. 435 § 11, 1988; Ord. 434 §§ 1 (part), 2, 1988; Ord. 430 § 4, 1988; Ord. 392 § 7, 1985; Ord. 343 § 13.0, 1980)

~~18.88.110 Site design review.~~

~~Site design review is a discretionary review conducted by the planning commission with a public hearing. It applies to all development in the city where permitted uses are identified as requiring site design review. Site design review ensures compliance with the land use and development standards in this Code.~~

~~A. Site Design Review; Application Submission Requirements. All of the following information is required for site design review application submittal:~~

~~1. General Submission Requirements. An application for site design review shall contain all of the information required for any land use application, and provide:~~

~~a. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. If a preapplication conference is held, the city shall advise as to the scope of the study during the preapplication conference. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the storm drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet city standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.~~

~~b. Traffic Estimate. The application shall describe the proposed access to and from the site and estimate potential vehicle traffic increases resulting from the project (per the ITE manual). The city administrator may require a traffic impact study; and in situations where this Code requires the dedication of property to the city, the city shall either, (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) not require the dedication as a condition of approval; this does not preclude the city from accepting voluntary dedications.~~

~~e. Site Design Review Information. In addition to the general submission requirements and number of required copies, an application for site design review shall provide the following information, as deemed applicable by the city administrator to review the request and prepare a complete staff report and recommendation to the approval body. Copies of application materials submitted to other permitting agencies must be included in the application to the city in order for it to be deemed complete.~~

~~(1) Site Analysis Map. At a minimum the site analysis map shall contain the following:~~

~~(a) The applicant's entire property and the surrounding property to a distance sufficient to determine the~~

~~location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;~~

~~(b) Topographic contour lines at two-foot intervals for slopes of less than 10%, and five-foot intervals for steeper slopes;~~

~~(c) Identification of slopes equal to or greater than 20%;~~

~~(d) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;~~

~~(e) Potential natural hazard areas, including any flood areas, areas subject to high water table, and areas mapped by the city, county, or state as having a potential for geologic hazards;~~

~~(f) Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the city or any natural resource regulatory agencies as requiring protection;~~

~~(g) Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;~~

~~(h) Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;~~

~~(i) The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade;~~

~~(j) North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;~~

~~(k) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.~~

~~(2) Proposed Site Plan. The site plan shall contain the following information:~~

~~(a) The proposed development site, including boundaries, dimensions, and gross area;~~

~~(b) Features identified on the existing site analysis maps that are proposed to remain on the site;~~

~~(c) Features identified on the existing site map, if any, which are proposed to be removed or modified by~~

the development;

- ~~(d) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;~~
 - ~~(e) The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;~~
 - ~~(f) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;~~
 - ~~(g) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);~~
 - ~~(h) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails, or parking areas;~~
 - ~~(i) Loading and service areas for waste disposal, loading and delivery;~~
 - ~~(j) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;~~
 - ~~(k) Location, type, and height of outdoor lighting;~~
 - ~~(l) Location of mail boxes, if known;~~
 - ~~(m) Name and address of project designer, if applicable;~~
- ~~(3) Architectural Drawings. Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:~~
- ~~(a) Building elevations with building height and widths dimensioned, and materials labeled;~~
 - ~~(b) Building materials, colors and type; a materials sample board may be required;~~
 - ~~(c) The name of the architect or designer.~~
- ~~(4) Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites one half acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals,~~

~~and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with applicable criteria.~~

~~(5) Landscape Plan/Street Tree Plan. A landscape plan may be required and at the direction of the city administrator shall show the following:~~

~~(a) The location and height of existing and proposed fences, buffering or screening materials;~~

~~(b) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;~~

~~(c) The location, size, and species of the existing and proposed plant materials (at time of planting);~~

~~(d) Existing and proposed building and pavement outlines;~~

~~(e) Specifications for soil at time of planting, irrigation, and anticipated planting schedule;~~

~~(f) Other information as deemed appropriate by the city administrator.~~

~~(6) Deed Restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.~~

~~(7) Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 18.88.110(B), Approval Criteria.~~

~~(8) Traffic Impact Study. When required, shall be prepared in accordance with the road authority's requirements.~~

~~(9) Other Information Determined by the City Administrator. The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.~~

~~B. Site Design Review Approval Criteria. The decision body shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying a site design review application:~~

~~1. Complete. The application is complete.~~

~~2. Land Use District. The application complies with all of the applicable provisions of the underlying land use district, including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses.~~

~~3. Conformance. The applicant shall be required to upgrade any existing~~

~~development that does not comply with the applicable land use district standards.~~

~~4. Conditions of Approval. Existing conditions of approval required as part of a prior application or other approval shall be met.~~

~~5. Compatibility. The proposed use will be compatible with existing and proposed uses in the surrounding area. Compatibility will be measured by an evaluation of the potential impact of the proposed use, including but not limited to:~~

~~a. The impact on public utilities and other public services, where adverse, unmanageable impacts may be grounds for denial or modification of the proposed use;~~

~~b. The impact of the proposed use on surrounding properties, where adverse impacts that would hinder or reduce the actual or contemplated uses as identified in the comprehensive plan and the zoning code may be grounds for denial or modification of the proposed use.~~

~~(Ord. No. 594, § 1(Exh. A), 1-20-2009)~~

ORDINANCE NO. 613

AN ORDINANCE DELETING THE DUPLICATION OF SITE REVIEW STANDARDS AND TEMPORARY USE PERMITS, ADDING HOME OCCUPATIONS AS PERMITTED ACCESSORY USES IN RESIDENTIAL ZONES AND DELETING HOME OCCUPATIONS FROM THE CONDITIONALLY PERMITTED USES IN RESIDENTIAL ZONES AND ADDING CROSS REFERENCES

WHEREAS, the City's Municipal Code addresses Site Design Review Standards in two different places Section 18.72.075 and Section 18.88.110 ; and

WHEREAS, the City's Municipal Code addresses Temporary User Permits in two different places Section 18.72.020 and Section 18.88.040 E; and

WHEREAS, the duplication of information is confusing and needs to be removed; and

WHEREAS, the City desires to eliminate the duplicate information; and

WHEREAS, the home occupations section of the ordinance states home occupations are a permitted accessory use in all residential zones; and

WHEREAS, the residential zones list traditional home occupations as a conditionally permitted use; and

WHEREAS, the two sections contradict each other and need to be consistent; and

WHEREAS, cross references need to be added for special requirements in some zones; and

WHEREAS, there is a contradiction in Section 18.88.020 Section A and Section B which needs to be corrected;

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

Section 1. Delete Section 18.88.110 of the Canyonville Municipal Code relating to Site Design Review in its entirety.

Section 2. Amend section 18.88.020 building and placement permits as follows:

~~A. Hereafter, the recorder and the building inspector may issue building permits on their own authority for the following types of projects only:~~

- ~~1. The building of a single family home which complies with all the regulations for the district it is located in;~~
- ~~2. The repair or alteration of a single family home provided that such new construction does not violate any district regulations;~~
- ~~3. The repair or alteration of any building, provided that such construction does not, or will not, result in a change of use for that structure, and does not change the basic form of the structure and costs under five thousand dollars and does not violate any district regulations.~~
- ~~4. Manufactured home placement permits pursuant to Chapters 18.32 and 18.34 of this title.~~

~~B.A.~~ All other forms of building and construction fall into one of the following two types:

1. Permitted Uses and Structures and Permitted Accessory Uses and Structures. For all such

uses and structures, applications for building permits will be forwarded to the administrator who shall review and approve the application for compliance with the zoning regulations. ~~and, if necessary, recommend changes that he feels would be beneficial. Such recommendations are advisory only, and must be made within ten days following the date of application.~~ No public hearing is required.

2. Conditional Uses, Variances, Temporary Permits.

- a. For all such uses and structures, application forms for zoning and building permits shall be filed with the administrator so that he can review the application and material submitted with it and prepare a report to the planning commission.
- b. The administrator shall also set a date for a public hearing before the planning commission on the application. This hearing shall take place within forty days after the filing of the application. If a quorum of the planning commission is not in attendance at the scheduled public hearing, the hearing shall be rescheduled at that time for a later date. If a quorum of the planning commission is not in attendance at the rescheduled public hearing, the matter will be heard and decided by the city council at its next regularly scheduled meeting.
- c. All conditional uses, variances, and temporary permits issued by the planning commission are nontransferable.
- d. ~~Subsection C of this section shall not be affected by the foregoing provisions set out in this paragraph 2 of this subsection.~~

C.B. All applications for building permits of the type requiring review by the administrator or hearing by the city planning commission shall contain or have attached enough plans, specifications and information for either the administrator or the city planning commission and other officials to accurately ascertain the existing state of the area where the proposed activity will take place and to fully examine the intentions of the applicant. Construction shall be in substantial conformance to plans approved by the city planning commission. The plans shall contain the following information:

- a. Property description;
- b. Building location on the property;
- c. Location of parking and screening of parking in those areas abutting a residential district;
- d. Access to public streets;
- e. Signs.

Section 3. Amend item E of Section 18.88.040 Conditional use, variance and temporary permit as follows:

E. Temporary Permits. Notwithstanding the limitations of use as established by this title in each of the several districts, the city planning commission may issue temporary permits for uses, which because of their unique character and temporary nature are deemed to be suitable and proper temporary uses of land or structures. ~~As a condition of issuance, the city planning commission may attach any conditions they deem necessary for the protection and preservation of property rights and values of adjacent properties. Such permits shall be issued for a specific period of time not to exceed one year. Permits may be renewable after reapplication and review by the city planning commission sixty days prior to expiration. Such permits shall be issued for structures or uses which are of a temporary nature such as:~~

1. ~~Storage of equipment during the building of roads, developments or logging operations;~~

- ~~2. Real estate office used for the sale of lots or housing in subdivision, i.e., tract offices;~~
- ~~3. Contractor's job sheds used in conjunction with the building of a structure, road, etc.;~~
- ~~4. Portable sawmills, rock crushers, asphalt batch plants;~~
- ~~5. Temporary housing in connection with above uses;~~
- ~~6. Other uses of a similar temporary nature when approved by the city planning commission.~~

Section 4. Add to permitted accessory uses in Section 18.20.030 (R1), and Section 18.24.030 (R2):

Home Occupations in compliance with the standards established in Section 18.76.130.

Section 5. Delete Traditional Home Occupations from the conditionally permitted uses in Section 18.20.040 (R1) and 18.24.040 (R2).

Section 6. Change the title for Chapter 18.96 from Temporary Permit to Hardship Permit.

Section 7. Amend Chapter 18.20 Section 18.20.020 A to read single family residences and manufactured homes subject to special siting requirements listed in Chapter 18.32.

Section 8. Amend permitted accessory uses and structures in Section 18.40.030 to read:

In a C-1 zone any use or structure customarily accessory to permitted uses shall be permissible. Manufacturing for retail sales on the premises is subject to the restrictions listed in Section 18.76.150.

Section 9. Amend permitted accessory uses and structures in Section 18.44.030 to read:

In a C-2 zone any use or structure customarily accessory to permitted uses shall be permissible. Manufacturing for retail sales on the premises is subject to the restrictions listed in Section 18.76.150.

Section 10. Amend permitted accessory uses and structures in Section 18.46.030 to read:

In a C-3 zone any use or structure customarily accessory to permitted uses shall be permissible. Manufacturing for retail sales on the premises is subject to the restrictions listed in Section 18.76.150.

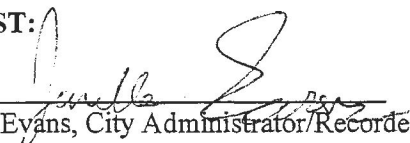
Section 11. Severance Clause. Should any section, provision, clause, or portion of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared invalid.

Section 12. Effective Date. This ordinance shall become effective on the 30th day following its passage.

PASSED by the Canyonville City Council this _____ day of _____, 2012.

APPROVED AND SIGNED this _____ day of _____, 2012.

ATTEST:



 Janelle Evans, City Administrator/Recorder

 Robert A. Deaton, Mayor

Canyonville

97417



FIRST CLASS MAIL

DEPT OF

MAR 21 2012

LAND CONSERVATION
AND DEVELOPMENT

Plan Amendment Specialist

DLCD

635 Capitol St. NE Suite 150

Salem OR 97301