



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 12/29/2014  
Jurisdiction: City of Canyonville  
Local file no.: None  
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/01/0001. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 55 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>
File No.: 100-22-2014
LAND CONSERVATION AND DEVELOPMENT
Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Canyonville

Local file no.:

Date of adoption: Oct. 20, 2014

Date sent: 10/30/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Aug 15, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Janelle Evans

Phone: 541-839-4258

E-mail: [cityadministrator@cityofcanyonville.com](mailto:cityadministrator@cityofcanyonville.com)

Street address: Box 765

City: Canyonville

Zip: 97417-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

amended Section 18.40.020 permitted uses and structures in the Canyonville Municipal Code chapter 18.40 Commercial C1 to allow existing legally established residential uses.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance 630 and a copy of the staff report

**ORDINANCE NO. 630**

**AN ORDINANCE ADDING EXISTING LEGALLY ESTABLISHED RESIDENTIAL USES AS A PERMITTED USE IN THE COMMERCIAL C1 ZONE,**

**WHEREAS**, the City's Municipal Code currently does not allow residential uses in the Commercial C1 zone; and

**WHEREAS**, the Commercial C1 zone encompasses a 200' strip of land on the east and west side of Main Street beginning at the northerly city limits and continuing southerly to the bridge; and

**WHEREAS**, there are many older single family residences interspersed within the area; and

**WHEREAS**, after holding public hearings on October 8 and October 20, 2014 on the amendment it is the City's desire to add legally established residential uses as a permitted use in the Commercial C1 zone;


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

**Section 1.** Add existing legally established residential uses to Section 18.40.020 Permitted uses and structures in the Canyonville Municipal Code chapter 18.40 Commercial C1.

**Section 2.** Effective Date. This ordinance shall become effective on the 30<sup>th</sup> day following its passage.

**PASSED** by the Canyonville City Council this 20<sup>th</sup> day of October 2014.

**APPROVED AND SIGNED** this 20<sup>th</sup> day of October 2014.



Robert A. Deaton, Mayor

ATTEST:



Janelle Evans, City Administrator/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)

## NOTICE OF PLANNING COMMISSION RECOMMENDATION

**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 existing legally established residential uses to the C1 Commercial zone. There are a lot of older houses located within the Commercial C1 zone. Under the current zoning they are considered non conforming uses. A non conforming use can be repaired provided that the value of the repair does not exceed the assessed value of the building. However, the structure cannot be expanded nor can any additional residential structures be built.

Many of the existing dwellings are older smaller homes and the property owners would like to update and expand them. By changing the legally established residences to a permitted use in the Commercial 1 zone it would allow the property owners full use of their property while still protecting the development of Commercial land.

### **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, Goal #9 Economic Development and Goal #10 Housing.

**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 Chapter 18.40 Section 18.40.020 permitted uses

in a Commercial C1 zone to add the following:

- E. Existing legally established residential uses.
- 1d. Goal #9 requires Cities to provide an adequate supply of sites of suitable sizes, types, locations and service levels for a variety of industrial and commercial uses.
- 1e. Amending the Commercial zoning to allow existing legally established residential uses would prevent property owners on the fringe of the commercial zone from rezoning their land. Becoming a permitted use would allow them the full benefit of their land without having to rezone the property while still preserving the amount of Commercial land within the City.
- 1f. The general purpose of Goal #10 Housing is to provide for the housing needs of the citizens of the state. The inclusion of existing legally established residential uses in the Commercial zone will allow existing homes to be fixed up and expanded. This change would be less restrictive than the current non conforming regulations and will comply with Goal #10.

**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. Notice of the proposed text amendment was published in the News Review on September 16, 2014. The required 35 days notice for text amendments was sent to Department of Land Conservation and Management on August 15, 2014. Measure 56 notice is not required since the addition of the residential use to the Commercial C1 zone is less restrictive than the existing uses.
- 2d. Under the Housing section of the Canyonville Comprehensive Plan, goal #2 states the goal is to conserve the current housing stock of Canyonville. The following policies have been developed in order to implement the goal:
  - 1. Encourage the rehabilitation of deteriorating housing through development of a state or countywide incentive program which would reward the maintenance and repair

of older housing.

2. Consider adoption of a housing code with minimum housing standards which would protect the residents, allow for new and innovative rehabilitation techniques and check the general deterioration of the housing stock.

3. Encourage the quick replacement of all dilapidated housing with inexpensive alternatives.

- 2e. Amending the Commercial 1 zone to allow existing legally established residential uses as permitted uses will facilitate the policies for goal #2 of the Housing Section. Many of the homes in the commercial zone are older and in need of repair. If the use is permitted outright it would be an easier process and encourage the property owners to rehabilitate the homes.
- 2f. The Economy section of the Canyonville Comprehensive Plan guides the commercial land within the City of Canyonville. The goal is to increase the economic vitality of the Canyonville area. Policy #15 states during the periodic review process, to meet identified need for additional low density residential land within the Canyonville UGB, the City shall re-designate and rezone commercial land.
- 2g. Amending the Ordinance to allow existing residential uses within the Commercial zone as a permitted use will implement a small portion of policy #15 immediately.

**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.

- 3a. The amendment pertains only to existing residential uses. These uses have already been provided with public utilities.

**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. There is a greater need for residential housing within Canyonville than commercial. The downtown section of Canyonville has many already existing vacant buildings to rent. According to the building records the last new commercial building that was constructed within Canyonville was in 1996.
- 4b. Making the existing residential uses outright permitted uses within the Commercial 1 zone will allow the property owners full residential use of their property. They will be able to expand and upgrade their existing dwellings.

**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. The intent of the Commercial 1 zone is to serve as a retail and service center for the city. Services shall be designed to have their own off street parking and loading spaces and to minimize adverse effects on nearby areas. The allowable uses within the Commercial 1 zone are:

A. Retail uses within a building including apparel and accessory stores, bicycle stores, bookstores, camera and photographic supplies, department stores, florists, furniture and home furnishing stores, general stores, gift, novelty and souvenir stores, jewelry stores, optical goods, radio and television repair, record stores, sporting goods, stationery, variety stores, bakeries, drugstores, food stores, hardware stores and restaurants.

B. Office uses including banks, business offices, professional offices, studios, utility offices.

C. Service uses within a building including barbershops, beauty parlors, electrical and appliances repair services, self service laundries, laundry and dry cleaning outlets, photo finishing, printing shops, theaters, watch, clock and jewelry repair services, shoe repair, small animal veterinary clinics.

D. Residential home (five persons or less) in a pre-existing residential dwelling.

6b. The Commercial 1 zone encompasses a 200' strip of land on the east and west side of Main Street beginning at the northerly city limits and continuing southerly to the bridge. The majority of the businesses lie within the downtown area which begins at 1<sup>st</sup> street and ends at 5<sup>th</sup> street.

6c. At the northerly end of Main Street the commercial and residential uses are intersperse with one another. These businesses and residents have peacefully co-existed for many years. They do not generate much noise and are only open until 5:00 p.m. The biggest impact is traffic which occurs on Main Street.

6d. There are two exits off of Interstate 5 to Canyonville. Exit 99 provides access to the northerly portion of the City and exit 98 provides access to the southerly portion. Both exits connect with Main Street which is an arterial street and moves the traffic from one end of town to the other. Regardless of the zoning and allowable commercial uses, Main Street would be a busy street because it is the only connecting street between northern Canyonville and southern Canyonville.

**RECOMMENDATION:** Recommend to the City Council that the Land Use Section of the Municipal Code be amended to add existing legally established residential uses to the permitted uses in a Commercial C1 zone.