



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

February 27, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Canby Plan Amendment  
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 19, 2007**

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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Stacy Humphrey, DLCD Regional Representative  
Kevin Cook, City Of Canby

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# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF

FEB 26 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of Canby**

Local file number: **ZC 06-04**

Date of Adoption: **2/21/2007**

Date Mailed: **2/26/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/22/2006

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".

Proposal to ammend the zoning map for the western 330 feet of tax lot 5200 of T4S, R1E, Section 4DA. The approved zone map change from Low Density Residential (R-1) to Medium Density Residential (R-1.5) is consistent with the Canby Comprehensive Plan. No Comp. Plan ammendment is required.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **R-1**

to: **R-1.5**

Location: **South of SE 13th Ave., and east of S. Ivy St.**

Acres Involved: **1.3**

Specify Density: Previous: **1 unit/lot**

New: **1 - 3 units/lot**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing?

Yes  No

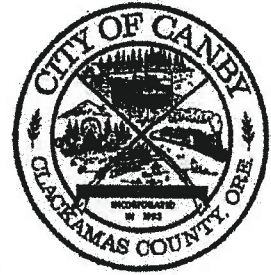
If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD # 002-06 (15711)



**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF CANBY**

**A REQUEST TO CHANGE THE ZONING ) FINDINGS, CONCLUSION & FINAL ORDER  
FROM LOW DENSITY RESIDENTIAL ) ZC 06-04  
TO MEDIUM DENSITY RESIDENTIAL ) (Willow Creek Estates)**

**NATURE OF APPLICATION**

The applicant is seeking approval to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The western 330 of the lot has a Comprehensive Plan designation of R-1.5; the proposed zone change would bring this portion of the lot into agreement with the Comprehensive Plan. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive Plan designation.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting on January 8, 2007. A quorum of the Commission voted 4-0 recommending approval. The City Council held a second public hearing to consider the application at its February 7, 2007 meeting. The Council voted 4-0 to forward the application on to Canby voters for a final decision at the ballot in the primary election on May 15, 2007.

**CRITERIA AND STANDARDS**

Section 16.54.040(B) states: *In judging whether or not the zoning map should be amended or changed, the City Council shall consider:*

- A. *The Comprehensive Plan of the City, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;*
- B. *Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.*

**FINDINGS AND REASONS**

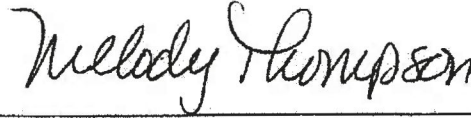
At the public hearing of February 7, 2007 the City Council considered the record and the Planning Commission's findings and recommendation for approval.

After holding the public hearing and considering the Record for the application, the City Council

**ORDER**

**I CERTIFY THAT THIS ORDER** for approval of ZC 06-04 was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 21<sup>st</sup> day of February, 2007.



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Melody Thomson, Mayor  
City of Canby



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Kevin C. Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – February 7, 2007**

AYES: Carson, Helbling, Daniels, Blackwell, & Oliver

NOES: None

ABSTAIN: None

ABSENT: None

**WRITTEN FINDINGS – February 21, 2007**

AYES: Carlson, Blackwell, Oliver, Daniels, Carson & Helbling

NOES: None

ABSTAIN: None

ABSENT: None

## ORDINANCE NO. 1231

### AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 5200 OF TAX MAP 4-1E-04DA.

**WHEREAS**, an application was filed with the City by Willow Creek Estates, Inc. to change the zoning of the westernmost 1.3 acres of a single 4.86 acre parcel from Low Density Residential (R-1) to Medium Density Residential (R-1.5); and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on January 8, 2007 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

**WHEREAS**, the Canby Planning Commission heard and considered testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the application. The Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

**WHEREAS**, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on February 7, 2007; and

**WHEREAS**, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation;

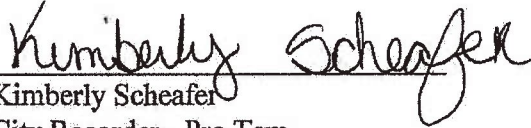
### **NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The westernmost 1.3 acre portion of tax lot 5200 of map 4-1E-04DA is rezoned from Low Density Residential (R-1) to Medium Density Residential (R-1.5) as called for in Canby's Comprehensive Plan.

Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change on the City's zoning map in accordance with the dictates of Section 1 of this Ordinance.

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on February 7, 2007, ordered posted in three (3) public and conspicuous places in the City for a period of five (5)

days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on February 21, 2007, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

  
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Kimberly Scheafer  
City Recorder - Pro Tem

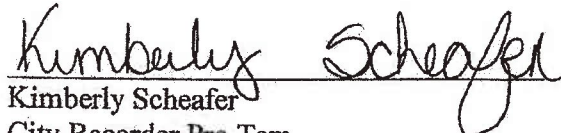
**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on February 21, 2007 by the following vote:

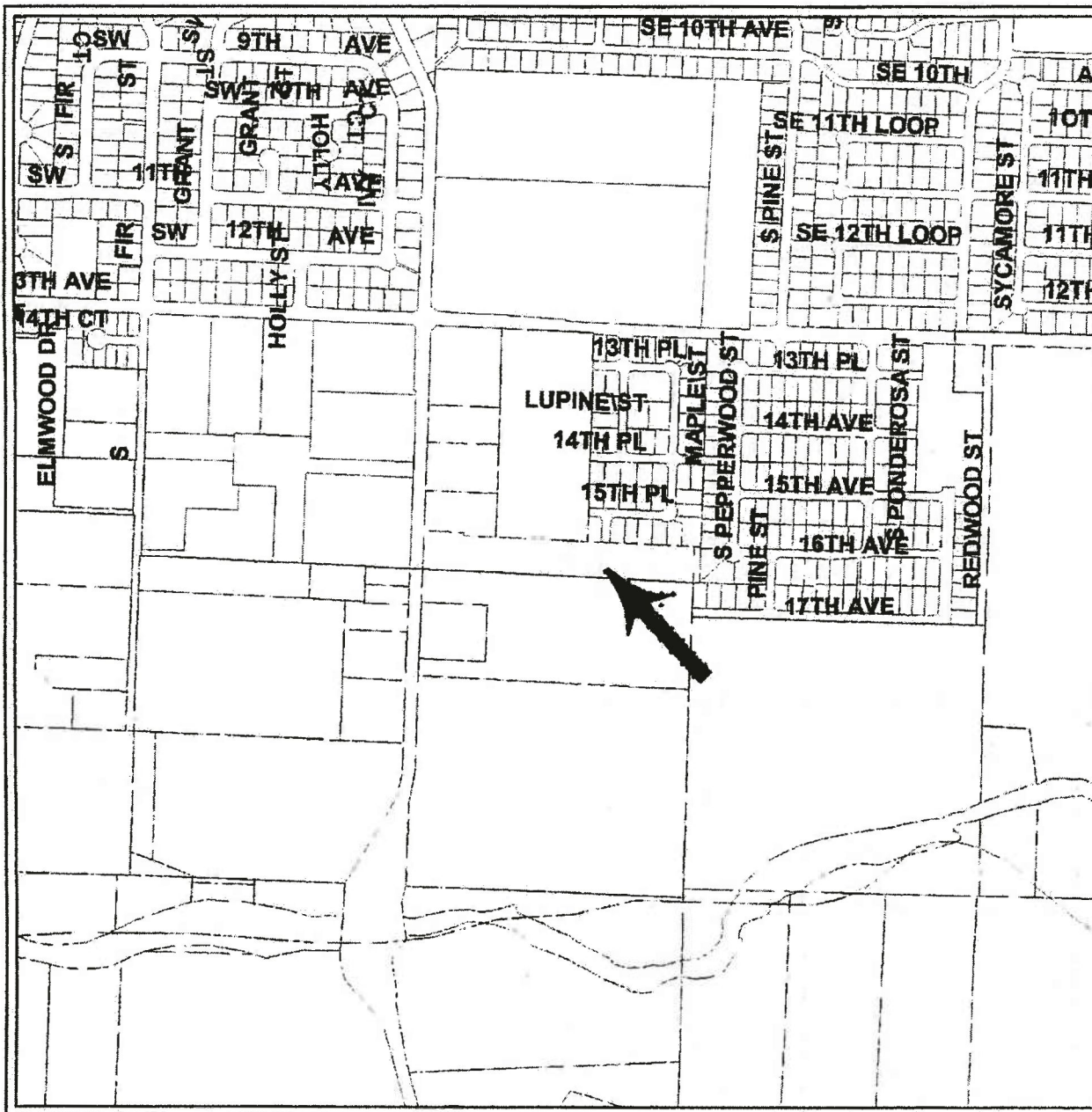
YEAS 6

NAYS 0

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

ATTEST:

  
\_\_\_\_\_  
Kimberly Scheafer  
City Recorder Pro Tem



# Dinsmore Estates - 1592 S Ivy Street



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*Clackamas  
County*

**Geographic Information Systems  
121 Library Court  
Oregon City, OR 97045**

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

November 17, 2006 03:05 PM

