



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

8/24/2020

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Monmouth Plan Amendment
DLCD File Number 001-10

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: Tuesday, September 07, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mark Fancey, City of Monmouth
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA

DEPT OF

AUG 18 2010

LAND CONSERVATION
AND DEVELOPMENT

NOTICE OF ADOPTION

Must be filed within 5 working days
See OAR 660-18-040

Jurisdiction: City of Monmouth Local File Number: LA 10-01
Date of Adoption: August 3, 2010 Date Mailed: August 17, 2010
Date Proposal was Provided to DLCD: February 18, 2010

Type of Adopted Action: (Check all that apply)

☒ Comprehensive Plan Text Amendment ☐ Comprehensive Plan Map Amendment
☒ Land Use Regulation Amendment ☐ Zoning Map Amendment
☒ New Land Use Regulation ☐ Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
These are amendments to the Monmouth Zoning and Development Ordinance, Sign Code and Comprehensive Plan.. The amendments revise requirements for construction of public facilities, allow reconstruction of conditional uses, add a new Agriculture/Open Space Zone, establish standards for signs for multi-family housing developments, and add text descriptions of Comprehensive Plan Map designations.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."
The adopted amendment includes revised language to Section 90.090 of the Monmouth Zoning and Development Ordinance regarding sidewalk construction requirements.

Plan Map Changed from: NA to NA
Zone Map Changed from: NA to NA
Location: _____

Acres Involved: NA
Specify Density: Previous: NA New: NA
Applicable Statewide Planning Goals: 1, 2,
Was an Exception Adopted? Yes: No: ☒

DLCD File Number: 001-10 (18127) [16285]

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment

FORTY FIVE (45) days prior to the first evidentiary hearing.

Yes: X No:

If no, do the Statewide Planning Goals apply.

Yes: No:

If no, did the Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Mark Fancey Area Code + Phone Number: (503) 751-0147

Address: 151 Main Street W

City: Monmouth Zip Code+4: 97361

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 – Division 18.

1. Send this form and **TWO (2) Copies** of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** of the adopted material, if copies are bound please submit **TWO (2) complete copies** of documents and maps.
3. Please note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date the “Notice of Adoption” is sent to DLCD.
6. In addition to sending the “Notice of Adoption” to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form onto 8 ½ x11 green paper only; or call the DLCD office at (503) 373-0050; or fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending the Monmouth)
Zoning and Development Ordinance; City)
Code, Sign Code, and Comprehensive Plan)

ORDINANCE NO. 1281

WHEREAS, the City of Monmouth has deemed it necessary to develop amendments to the Monmouth Zoning and Development Ordinance, City Code, Sign Code, and Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on said amendments on April 21, 2010, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the City Council held a public hearing on said amendments on May 4, 2010, at which time the public was given full opportunity to be present and heard on the matter.
NOW, THEREFORE,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Monmouth does hereby amend the Monmouth Zoning and Development Ordinance, City Code, Sign Code, and Comprehensive Plan as set forth in Exhibit A.

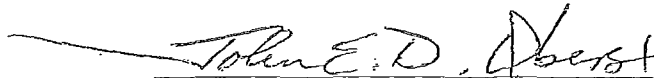
Read for the first time: July 20, 2010

Read for the second time: August 3, 2010

Adopted by the City Council: August 3, 2010

Approved by the Mayor: August 3, 2010

ATTEST:


John E. D. Oberst, Mayor


Phyllis L. Bolman, City Recorder

EXHIBIT A

Amendments to the Monmouth Zoning and Development Ordinance, City Code, Sign Code, and the Monmouth Comprehensive Plan

New language is shown as **bold and underlined**. Language to be deleted is shown struck through.

Amendments to the Monmouth Zoning and Development Ordinance

Proposed amendments to Section 90.090:

90.090 Public Facility and Sidewalk Improvement Requirements.

A. The Building Official shall not issue any required building permit for any proposed construction, reconstruction, **change of use, expansion,** or development for which the public facilities serving such development are not fully improved to current City standards **when such construction, reconstruction, change of use, expansion, or development will increase the demand on public facilities.** Such increases may include, for example, higher traffic volumes, **including truck traffic,** ~~greater truck traffic,~~ greater storm run-off volumes, larger wastewater flows, higher water or fire flows, or greater electrical loads. Public facilities include streets, sidewalks, curbs, storm drains, sanitary sewers, water mains, electrical lines, and any necessary rights-of-way.

B. The Building Official shall not issue any required building permit for any proposed construction, reconstruction, change of use, expansion or development not served by a street sidewalk unless a sidewalk will be constructed to the specifications and locations prescribed by the City as part of such construction, reconstruction, change of use, expansion or development, except as provided in subsections 1., 2. or 3. below.

1. If the cost of the proposed construction, reconstruction, change of use, expansion or development, either as shown on the application therefore, or when added to the cost of all previous construction, reconstruction, change of use, expansion or development on the same property within the immediately preceding three calendar years, is less than the lesser of (a) \$30,000 or (b) fifteen percent of the real market value of the property as shown in the records of the Polk County Assessor, the applicant shall not be required to construct a sidewalk if the applicant signs a waiver of remonstrance against assessment for future sidewalk improvements in the manner provided in subsection D. 4., below.

2. If the street on which the sidewalk is to be constructed is in need of construction or major reconstruction, as determined by the Building Official, the applicant shall not be required to construct a sidewalk if the applicant signs a waiver of remonstrance against formation of a local improvement district or assessment of future sidewalk improvements in the manner provided in subsection D. 4., below.

3. Notwithstanding subsections 1. and 2., above, if the Building Official, in the Building Official's discretion, determines that it would be impractical or unreasonably expensive to require the construction of a sidewalk on account physical constraints or topography, the Building Official may, on the request of the applicant,

waive the requirement to construct a sidewalk under this section. If the Building Official denies a request to waive the requirement to construct a sidewalk, the applicant may appeal the Building Official's decision in writing to the City Manager, who shall review the decision based on the information presented by the applicant to the Building Official. The City Manager's decision shall be final.

C. Current City The Monmouth Public Works Design sStandards and Standard Plans provide design and construction requirements for public improvements shall be established by the Director of Public Works. The extent of specific public facility improvements for substandard facilities shall be based upon the requirements of the Zoning Ordinance, the design requirements of the Public Works Design Standards, subdivision and partitioning sections and upon water, sewer, street, storm drainage, transportation, and/or electric or other master plans adopted by the City Council. Such standards shall be kept current and available, and shall establish both design and construction requirements.

D. For any construction, reconstruction, change of use, expansion, or development as described in subsection A, the requirements to improve affected, substandard facilities shall At the City's option, the requirements of this section may be met in any one (1) of four (4) ways, as determined by the City through:

1. By the Aactual installation of the required improvement(s) by the building permit applicant;
2. By the Fformation of a local improvement district, or districts, to complete the required improvements;
3. By the Signing of an Improvement Agreement between the applicant and the City, signed by the City Council and secured by a performance bond as provided for in this Ordinance by Section 97.180 or,
- ~~D~~4. By the signing by the applicant of a temporary service agreement and waiver of remonstrance against the formation of a local improvement district or an assessment of improvement costs to construct the required public facilities. Such waiver shall be signed by all persons with an interest of record in the property being developed and shall be binding upon their successors in title.

~~These requirements are intended to apply to any new construction or development, and to any reconstruction or change in use of property, which may increase the demand on public facilities. Such increases may include, for example, higher traffic volumes, greater truck traffic, greater storm run-off volumes, larger wastewater flows, higher water or fire flows, or greater electrical loads.~~

E. Decisions of the Director of Public Works, City Manager, or Planning Commission relating to public facility improvement requirements may be appealed directly to the City Council as provided in Chapter 90, Section 90.045.

Proposed amendments adding Section 90.550:

90.550 Reconstruction of a Conditional Use. The Community Development Director shall authorize restoration or replacement of the building(s) associated with a lawful, conditional use when restoration or replacement is made necessary by fire, casualty,

or natural disaster, provided the physical restoration or replacement is lawfully commenced within one (1) year of the damage or destruction. This includes building(s) listed as a conditional use in this Ordinance constructed prior to the adoption of this Ordinance.

Any restoration or replacement that includes the enlargement or alteration of a conditional use beyond the size, area, or intensity that existed prior to the fire, casualty, or natural disaster shall be subject to approval by the Planning Commission, and shall be subject to all of the provisions of Sections 90.505 to 90.545.

Proposed amendments to Section 91.110 – Medium Density Residential Zone:

91.110 Density. The density of residential development upon any lot in an RM Zone shall not exceed twelve (12) dwelling units per acre. The minimum density for residential subdivisions in the RM Zone shall not be less than five six (5 6) dwelling units per acre. (Amended by Ordinance 1260, January 3, 2008)

Proposed amendments to Section 96.220:

96.220 Yards to be Unobstructed. Every required front, side, and rear yard shall be open and unobstructed by buildings or structures from the ground to the sky except for those projections and accessory structures permitted by this Ordinance. Objects and materials such as firewood, building supplies, campers, boats, and vehicles that are stored for a period exceeding 30 consecutive days in one (1) calendar year shall be subject to the yard requirements of this Ordinance.

Proposed amendments to Chapter 94 adding the Agriculture-Open Space Zone:

CHAPTER 94: PUBLIC SERVICE AND OPEN SPACE ZONES

OPEN SPACE – AGRICULTURE (OS-AG) ZONE

94.205 Purpose. This zone is intended to implement the Open Space - Agriculture Comprehensive Plan Map designation. The purpose of this zone is to preserve large natural resource areas and to provide areas for the continued practice of agricultural activities while, in some cases, allowing access to these areas for public infrastructure and/or recreation. This zone is intended to protect agricultural uses that do not include raising livestock.

94.210 Permitted Uses. Within any AG-OS Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

A. Agricultural uses, including raising crops, nursery stock, and other horticultural products. Raising livestock is not permitted, except as allowed by Monmouth City Code Section 44.230(c).

B. Accessory buildings, not including dwellings or manufactured homes, normally required in conjunction with agricultural uses.

C. Propagation or harvesting of forest products.

D. Public parks, including but not limited to; picnic areas, playgrounds, and unlit playing fields.

E. Paved or unpaved trails or pathway systems for use by equestrians, hikers, and bicyclists.

F. Public and private conservation areas, including but not limited to wilderness areas, watershed areas, wildlife refuges, and wetlands.

G. Utility services, including wastewater treatment plants, generating stations, substations, switching or splitting stations. Offices for such facilities are not permitted.

H. Construction of streets, roads, and pedestrian and bicycle facilities that are included in the City of Monmouth Transportation System Plan or in other adopted City Plans.

I. Required off-street parking for uses permitted in this zone in accordance with the standards in Chapter 96.

J. Uses existing prior to (insert date of adoption), in compliance with the Monmouth Zoning and Development Ordinance on that date.

94.215 Conditional Uses. If authorized under the procedure for conditional uses in this Ordinance, the following uses will be permitted in the AG-OS Zone:

A. Wireless communication facilities, in accordance with the provisions of Sections 98.005 to 98.045.

93.220 Prohibited Uses.

A. Rendering plants or tanneries.

B. Agricultural processing facilities.

C. Animal waste processing facilities.

93.225 Dimensional Standards. The following minimum dimensional standards are required.

A. Minimum Lot Size: _____ None

B. Setback Requirements:

1. Front yard	25 feet
2. Side yard	25 feet
3. Rear yard	25 feet

C. Maximum building height shall not exceed 45 feet. A greater height may be approved as part of a conditional use permit.
Amendments to the Monmouth City Code

Proposed amendments deleting Section 80.170 from the Monmouth City Code.

~~80.170 Sidewalks Required. No building permit shall be issued for any construction or conversion of any building used for dwelling, commercial, or public uses located upon any street or street right of way not served by a street-side sidewalk unless such sidewalk shall or will be constructed to the specifications and locations as prescribed by the City as part of the construction or conversion of the building. The Building Official may set a future date for completion of sidewalk work as a condition for issuing a building permit.~~

Amendments to the Monmouth Sign Code – Section 81.070:

81.070 Signs in Residential Zones.

- A. Neighborhood identification signs. One neighborhood identification sign not exceeding six (6) square feet with lettering not over nine (9) inches in height, located not over three (3) feet above grade at each entry point to a subdivision. Such signs must meet vision clearance requirements when placed at an intersection. See Appendix B.
- B. Home occupations and child care facilities. One wall sign not exceeding two (2) square feet in area. Projecting, free standing or other types of signs are not permitted.
- C. Conditional Uses. Land Uses authorized by a Conditional Use land use approval are permitted one free-standing sign not exceeding five (5) feet in height nor fifteen (15) square feet in area, set back at least ten (10) feet from the property lines; or one (1) wall sign in lieu of a free-standing sign, provided the sign is approved in conjunction with the issuance of the Conditional Use.
- D. Multi-Family Residential Developments. Multi-family residential developments are permitted one free-standing sign not exceeding six (6) feet

in height nor 18 square feet in area, set back at least ten (10) feet from the property lines; or one (1) wall sign in lieu of a free-standing sign.

DE. Internally illuminated signs are not permitted, except within the MX and MSD zones.

Amendments to the Monmouth Comprehensive Plan:

Comprehensive Plan Map Designations

Low Density Residential: Up to six (6) units per acre

These areas provide low density residences and necessary urban services to maintain stable neighborhoods comprised primarily of single-family residences. The Low Density Residential Zone (RS) implements the Low Density Residential Comprehensive Plan Map Designation.

Medium Density Residential: 6 to 12 units per acre

These areas provide medium density residences and necessary urban services to maintain stable residential neighborhoods. The Medium Density Residential Zone (RM) implements the Medium Density Residential Comprehensive Plan Map Designation.

High Density Residential: 12 to 20 units per acre

These areas provide for multi-family and group residences at a high density and act as a transition between lower density residential housing and more intensive land uses. The High Density Residential Zone (RH) implements the High Density Residential Comprehensive Plan Map Designation.

Mixed Density Residential: 9 units per acre.

These areas provide for a variety of residential housing types with supporting and complementary commercial and public uses. The Mixed Density Residential Zone (MX) implements the Mixed Density Residential Comprehensive Plan Map Designation.

Commercial

These areas provide appropriate locations for a variety of general commercial uses, including retail and service businesses. Various zones implement the Commercial Comprehensive Plan Map Designation including the Commercial Office (CO), Commercial Highway (CH), Commercial Retail (CR), Commercial-Retail Transitional (CRT), and Main Street District (MSD) zones.

Industrial

These areas provide appropriate locations for a variety of general industrial uses including manufacturing and related activities. Various zones implement the Industrial Comprehensive Plan Map Designation including the Industrial Park (IP), Light Industrial (IL), and General Industrial (GI) zones.

Open Space – Agriculture

These areas include agricultural lands and natural resource areas within the Urban Growth Boundary. The Open Space-Agriculture Zone (AG-OS) implements the Open Space Comprehensive Plan Map Designation.

Public

These area include lands in public or semi-public ownership such as the City-owned property and uses, Western Oregon University Campus, and Central School District sites. The Public Services (PS) and Public Service College (PSC) zones implement the Public Plan Map Designation.

Proposed amendments to the Land Use Element of the Comprehensive Plan

Land Use Element

Introduction

A land use plan indicates the area into which various types of activities are expected to occur. Monmouth designates seven (7) categories of land uses to be described and located on the land use map.

1. Low Density Residential. Areas designated as low density residential shall not exceed a density of six (6) dwelling units per gross acre.
2. Medium Density Residential. Areas designated as medium density residential **shall have a minimum density of six (6) dwelling units and a maximum density** ~~not exceed a density~~ of twelve (12) dwelling units per gross acre.
3. High Density Residential. Areas designated as high density **shall have a minimum density of twelve (12) dwelling units and a maximum density** ~~not exceed a density~~ of twenty (20) units per gross acre.
4. Mixed Density Residential. New subdivisions in areas designated as mixed density may develop at a density of nine (9) units per gross acre, with a minimum of one third of the units shall be developed as multi-family or attached single-family dwellings.
5. Commercial. Commercial uses include all activities of a commercial nature. There is no distinction between what kinds of commercial activities are allowed; the specific zoning regulates uses.

6. Industrial. Industrial use covers the range of manufacturing, warehousing, and wholesaling activities.
7. Public Services. Public Service uses include all government and semi-public lands and uses.
8. Open Space - Agriculture. This designation includes lands designated for agricultural uses and natural resource areas.

CITY OF MONMOUTH
151 WEST MAIN STREET
MONMOUTH, OR 97361



PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND
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635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540