



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

July 19, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Monmouth Plan Amendment
DLCD File Number 001-07

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: August 1, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Mark Fancey, City of Monmouth

<paa> ya/

NOTICE OF ADOPTION

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

DEPT OF

JUL 12 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Monmouth

Local File Number: LA 07-01

Date of Adoption: July 5, 2007

Date Mailed: July 9, 2007

Date Proposal was Provided to DLCD: March 2, 2007

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."

This amendment revises the City's Municipal Code regarding annexations to provide for concurrent rezoning of properties upon annexation.

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."

Same

Plan Map Changed from: NA to _____

Zone Map Changed from: NA to _____

Location: _____

Acres Involved: NA

Specify Density: Previous: NA New: _____

Applicable Statewide Planning Goals: 2

Was an Exception Adopted? Yes: _____ No: ☒

DLCD File Number: 001-07 (15926)

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) 838-0722
Address: City Hall 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 1/2 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 Chapters 90)
and 99 of the Monmouth Municipal Code.)

ORDINANCE NO. 1254

WHEREAS, the City of Monmouth has deemed it necessary to develop amendments to the Municipal Code regarding the annexation of property into the city; and

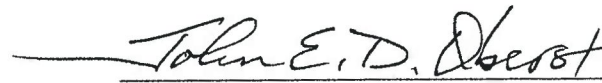
WHEREAS, the Planning Commission held a public hearing on said amendments on May 16, 2007, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the City Council held a public hearing on said amendments on June 5, 2007, 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 Municipal Code as set forth in Exhibit A.

Read for the first time: June 19, 2007
Read for the second time: July 5, 2007
Adopted by the City Council: July 5, 2007
Approved by the Mayor: July 5, 2007



John E.D. Oberst, Mayor

ATTEST:



Phyllis L. Bolman, City Recorder

Exhibit A

~~**90.075 Zoning of Annexed Areas.** Zoning regulations applicable to an area prior to its annexation to Monmouth shall continue to apply and shall be enforced by the City until the City Council changes the zoning. The Planning Commission shall investigate thoroughly and expeditiously the annexed property and recommend the appropriate zone to the City Council for adoption.~~

CHAPTER 99: ANNEXATIONS

Annexations

99.005 Procedures. Annexations shall be processed as land use actions under the Monmouth Zoning and Development Ordinance, except that the City Council shall have exclusive jurisdiction over annexations, and in accordance with the requirements of ORS 222.111 through 222.183. The application fee for annexations shall be set by resolution of the City Council. Applications for annexations shall be filed with the Planning Department. (Ord. 1144, sec. 1, June 1, 1999, Ord. 1227, sec. 1, February 7, 2006)

99.010 Conditions for Annexation. The applicant must demonstrate that a proposed annexation complies with the provisions of the Urbanization and Land Use Chapter of the City Comprehensive Plan to receive approval of the City Council. However, inasmuch as the decision to annex property consists of a quasi-judicial element and a legislative decision based upon the best judgment of the City Council, the City Council may deny an annexation based upon its legislative perception of the request even though the annexation meets all requirements. A legislative decision to deny an annexation shall be specifically stated in the record and noted as a separate legislative act apart from the quasi-judicial decision. (Ord. 1144, sec. 2, June 1, 1999)

99.015 Annexation Election. Annexation requests approved by the City Council, except those approved due to failing septic systems, health hazards or other annexations mandated by State law, or annexations of one acre or less, shall be submitted to a vote of the City's electors. An annexation approved by the City Council shall not be final until and unless the annexation is approved by the City electors.

a) The City Council shall, by resolution, adopt a ballot title for an election on the annexation. The City Elections Officer shall publish notice of receipt of the ballot title in the next available edition of a newspaper of general distribution in the City, together with a statement that an elector may file a petition for review of the ballot title not later than the seventh business day after the title is approved by the Council and filed with the City Elections Officer. After the ballot title becomes final, the City Elections Officer shall file the ballot title with the Polk County Elections Officer together with proof of such publication. (ORD 1227, sec. 3, February 7, 2006)

b) The election on the annexation shall be held on the next available state election day in March, May, September, or November which is not less than 61 days after the ballot title was filed with the Polk County Elections Officer not more than 90 days after the ballot title was adopted. (Ord. 1227, sec. 4, February 7, 2006)

c) The City shall cause the property under consideration for annexation to be posted with a minimum of one sign not greater than 6 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation, drafted by the City Recorder. The sign shall be removed by applicant within 10 days following the election.

d) Pursuant to ORS 221.130 (1), the statement of chief purpose and the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed, which shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The ballot title shall be prepared in accordance with state law in the same manner as ballot titles for initiative measures.

If the annexation is approved by a majority of the City electors, the City Council shall, by ordinance, declare the territory annexed to the City.
(Ord. 1144, sec. 3, June 1, 1999,)

99.020 Costs of Election. The applicant shall pay for publication of notice, posting of notice, and all costs associated with the election, including City staff time in preparing the notices and ballot title. The applicant shall, within 30 days of approval of the annexation by the City Council, deposit with the City Recorder such sum as the City Recorder deems sufficient to cover such costs and upon a failure to do so, the application shall be deemed withdrawn without further action by the City.
(Ord. 1144, sec. 4, June 1, 1999)

99.025 Zoning of Annexed Territory. Upon annexation to the City, property shall ~~not~~ have a ~~automatic~~ be given the city ~~Comprehensive Plan or~~ Zoning Designation that is the equivalent to the existing Comprehensive Plan Map Designation, as set forth in Table 99-1 below, unless the applicant submits an application for a new Comprehensive Plan and Zoning Designation concurrent with an application for annexation. ~~and shall not be subject to development until a Comprehensive Plan and Zoning Designation has been established under the procedures set forth in the Monmouth Zoning and Development Ordinance for zone changes and plan amendments. An application for a Comprehensive Plan and Zoning Designation may be made concurrently with an application for annexation, with~~ A request for a new Comprehensive Plan and Zoning Designation shall be initiated and processed according to the requirements for a Zone Change and Plan Amendment as identified in Chapter 90 of the Monmouth Zoning and Development Ordinance. Final approval of the Comprehensive Plan and Zoning Designation is contingent upon final approval of the annexation. Such contingent approval shall not be subject to a vote of the City electors.

Table 99-1: Equivalent City Comprehensive Plan Map and Zoning Designations

<u>Monmouth Comprehensive Plan Map Designation</u>	<u>Equivalent Monmouth Zone District</u>
<u>Low-Density Residential</u>	<u>Low-Density Residential (RS)</u>
<u>Medium Density Residential</u>	<u>Medium Density Residential (RM) Zone</u>
<u>High Density Residential</u>	<u>High Density Residential (RH) Zone</u>
<u>Commercial Office</u>	<u>Commercial Office (CO) Zone</u>
<u>Commercial Highway</u>	<u>Commercial Highway (CH) Zone</u>
<u>Commercial Retail</u>	<u>Commercial Retail (CR) Zone</u>
<u>Commercial Retail Transitional</u>	<u>Commercial Retail Transitional (CRT) Zone</u>
<u>Industrial Park</u>	<u>Industrial Park (IP) Zone</u>
<u>Public Services</u>	<u>Public Services (PS) Zone</u>
<u>Public Service College</u>	<u>Public Service College (PSC) Zone</u>
<u>Mixed Density Residential</u>	<u>Mixed Density Residential Zone (MX)</u>
<u>Main Street District</u>	<u>Main Street District (MS)</u>
<u>Light Industrial</u>	<u>Light Industrial (IL) Zone</u>

Ord. 12XX to be adopted Aug. 2007

99.030 Annexation of Non-Conforming Uses. When a nonconforming use, as described in MCC 90.905, is annexed into the City, the applicant shall provide a proposed schedule for removal of the non-conforming use, which may be approved or modified by the City Council, in order to ensure the removal within a reasonable period of time. The City Council may require the applicant and owner of the property proposed to be annexed to enter into a written agreement with the City which shall specify the period within which the nonconforming use shall be removed, provide that if the nonconforming use is not removed within the period specified, the City may remove the nonconforming use in any reasonable manner, and that the owner and applicant shall be jointly and severally liable for said cost, which shall also be assessed against the property as a municipal lien in accordance with the provisions of MCC 44.750. The agreement shall be approved and signed by the City Manager. The City Manager may require the applicant to post security for performance of the agreement, in a form deemed acceptable by the City Attorney. If the applicant and/or owner fail to sign and return the agreement to the City, and/or fail to post the required security within 30 days after the agreement is mailed to the applicant, who shall be responsible for obtaining the owner(s)' signature, the annexation application shall be deemed withdrawn without further action by the City. (Ord. 1144, sec. 6, June 1, 1999)