



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

April 26, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

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



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: May 10, 2007

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. 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: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
Cynthia Solie, City of Monroe

<paa>

2

DLCD

Notice of Adoption

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

☐ In person	☐ electronic	☐ mailed
DATE STAMP		
DEPT OF		
APR 20 2007		
LAND CONSERVATION AND DEVELOPMENT		
For DLCD Use Only		

Jurisdiction: **City of Monroe**

Local file number: **LU-06-125**

Date of Adoption: **4/10/2007**

Date Mailed: **4/19/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date:

☐ 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".

Zoning Map Amendment from General Residential - Large Lot to General Residential Small Lot

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

Plan Map Changed from:

to:

Zone Map Changed from: **GR-A**

to: **GR-B**

Location: **S/s Orchard Street, across from 8th Street**

Acres Involved: **19.16**

Specify Density: Previous: **max net 7.2 du/acre**

New: **max net 7.2 du/acre**

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 #001-07 (NOA)

DLCD file No. _____

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

Benton County, Monroe Rural Fire Protection District, Monroe School District 1J

Local Contact: **Cynthia Solie**

Phone: **(541) 924-8465** Extension:

Address: **1400 Queen Ave SE, Suite 205A**

Fax Number: **541-967-4651**

City: **Albany**

Zip: **97322-**

E-mail Address: **csolie@ocwcog.org**

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 Complete Copies** (documents and maps) 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. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 not 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



Community and Economic Development

1400 Queen Avenue SE, Suite 205 • Albany, Oregon 97322
(541) 967-8551 • FAX (541) 967-4651 • TTY/TDD (541) 924-8402
255 SW Coast Highway, Suite 201 • Newport, Oregon 97365
(541) 265-8707 • FAX (541) 265-8762

April 19, 2007

Attention: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

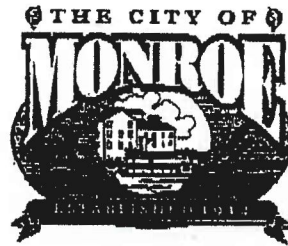
Enclosed please find a Notice of Adoption and two copies of the Notice of Disposition (signed 4/16/2007) and Ordinance amending the City of Monroe Zoning Map.

Cascades West Council of Governments is submitting this material on behalf of the City of Monroe, as we assisted the City with this land use matter. If you are in need of additional information or have questions, please do not hesitate to contact me.

Thank you,


Cynthia Solie
Community Development Director

664 Commercial Street
P.O. Box 486
Monroe, Oregon 97456



Phone 541-847-5175
Fax 541-847-5177
cmonroe@peak.org

NOTICE OF CITY COUNCIL DECISION

NATURE OF APPLICATION:	An application to change the zone on the southerly 19.16 acres of a 22.57-acre parcel from General Residential – Large Lot (GRA) to General Residential – Small Lot (GRB).
APPLICABLE CRITERIA:	Comprehensive Plan Policies: III.C.1; IV.C.1; IV.C.6; IV.C.10; and the Comprehensive Plan Map Monroe Zoning Ordinance Articles: 152.024; 152.030; 152.135
PROPERTY LOCATION:	South side of Orchard Street, across from the intersection of 8 th Street and Orchard to approximately 75' west of the intersection of 10 th Street and Orchard.
PROPERTY OWNERS:	James Monaghan, Kent Aldrich
ZONE DESIGNATION:	General Residential – A (GRA)
COMPREHENSIVE PLAN DESIGNATION:	Low Density Residential
STAFF CONTACT:	Cynthia Solie: 541-924-8465
FILE NUMBER:	LU-06-125

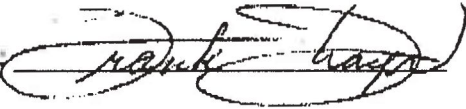
Decision:

On April 10, 2007, the Monroe City Council approved Ordinance 2007-250 thereby approving the above-referenced application and amending the Monroe Zoning Ordinance Map with the following approval conditions:

1. The minimum lot size for the GRB portion of the site shall be 5700 square feet and the minimum average size of all lots in the GRB portion of the site shall be 6087 square feet or larger, to ensure compliance with Comprehensive Plan Policy IV.C.6 that sets the maximum net density in low density residential areas as not exceeding 7.2 dwelling units per net acre (one dwelling unit per 6000 square feet).
2. Subsequent subdivision of the property shall cause the zone boundary line to coincide with lot lines or the centerlines of streets.

The adopted ordinance became effective April 10, 2007. The adopted ordinance and findings of fact are available for review at the Monroe City Hall.

MAYOR:



DATE OF NOTICE: April 16, 2007

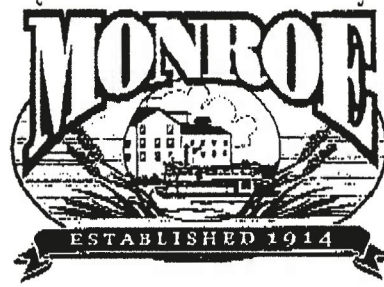
THIS DECISION MAY BE APPEALED TO THE LAND USE BOARD OF APPEALS (LUBA) WITHIN 21 DAYS OF THE EFFECTIVE DATE OF THE ORDINANCE. A person may appeal this decision if the person participated in the City Council proceedings through written or oral testimony. Failure to have raised an issue at the City Council hearing precludes appeal based on that issue. For information on appeal procedures, contact:

Benton County Development Dept.
360 SW Avery Avenue
Corvallis, OR 97333
(541) 766-6819

-- OR --

Land Use Board Of Appeals (LUBA)
306 State Library Building
250 Winter Street NE
Salem, OR 97310
(503) 373-1265

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

**ORDINANCE 2007-250****An Ordinance amending the City of Monroe Zoning Map: and Declaring an Emergency.**

WHEREAS, an application for a Zoning Map Amendment was submitted on December 14, 2006 for 19.16 acres of a 22.57 acre parcel identified as Township 14 South, Range 5 West, Section 33B, Tax Lot 800; and

WHEREAS, the requested action would change the designation on the City of Monroe Zoning Map for the portion of the parcel described in Exhibit 1 from General Residential, Large Lot (GRA) to General Residential, Small Lot (GRB); and

WHEREAS, the Monroe Planning Commission held a public meeting on March 5, 2007, and voted to recommend that the City Council deny the Zoning Map Amendment; and

WHEREAS, the Monroe City Council held a duly advertised public hearing on March 20, 2007 to consider the request; and

WHEREAS, the Monroe City Council has considered the staff report, the application materials, the testimony of witnesses, the recommendation of the Monroe Planning Commission, and the record as a whole. The City Council deliberated and approved with conditions the application for a Zoning Map Amendment on March 20, 2007.

NOW THEREFORE, THE CITY OF MONROE ORDAINS AS FOLLOWS:

The Zoning Map Amendment Application No. LU-06-125 is hereby conditionally approved and the Monroe Zoning Map is hereby amended to identify the property described on the attached Exhibit 1 and shown on attached Exhibit 2 (site) as General Residential, Small Lot (GRB) based on the Findings and Conclusions contained in the attached Exhibit 3, hereby adopted and incorporated herein which includes the following approval conditions:

1. The minimum lot size for the GRB portion of the site shall be 5700 square feet and the minimum average size of all lots in the GRB portion of the site shall be 6087 square feet or larger, to ensure compliance with Comprehensive Plan Policy IV.C.6 that sets the maximum net density in low density residential areas as not exceeding 7.2 dwelling units per net acre (one dwelling unit per 6000 square feet).
2. Subsequent subdivision of the property shall cause the zone boundary line to coincide with lot lines or the centerlines of streets.

Emergency Clause:

It is hereby adjudged and declared that the existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Monroe, and an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect when signed by the mayor

First Reading: Tuesday, April 10th, 2007Second Reading: Tuesday, April 10th, 2007Motion Passed 4 to 1Effective Date: Tuesday, April 10th, 2007

4-10-07
Approved: Mayor Frank Thayer Date

4-10-07
Attested: Barb Johnston Date

Exhibit 1

LEGAL DESCRIPTION

The property described below is the land being included in the zone change.

Beginning at the southwest corner of Parcel 1 of Partition Plat 1990-017, said point being the **POINT OF BEGINNING**;

Thence, along the westerly boundary of said Parcel 1, on a bearing of N 0° 19' 45" W, for a distance of 1248.06 feet;

Thence, S 89° 58' 06" E, for a distance of 124.07 to the beginning of a non-tangential curve, said point being on the proposed centerline of 10th Street;

Thence along said curve turning to the right through an angle of 14° 00' 18" , having a radius of 200 feet, and whose long chord has a bearing and distance of S 07° 19' 38" E and 48.72 feet to the end of the curve;

Thence, S 00° 19' 44" E for a distance of 30.09 feet to a point, said point being the centerline intersection of the proposed 10th Street and a proposed intersecting street;

Thence, S 89° 52' 18" E for a distance of 548.99 feet to a point, said point being on the easterly boundary of said Parcel 1;

Thence, along the easterly boundary of said Parcel 1, on a bearing of S 00° 00' 23" W, for a distance of 1058.20 feet to a point, said point being a corner of said Parcel 1;

Thence, along the boundary of said Parcel 1, on a bearing of N 89° 47' 05" E, for a distance of 305.89 feet to a point, said point being the northeast corner of said Parcel 1;

Thence, along the boundary of said Parcel 1, on a bearing of S 00° 01' 23" E, for a distance of 113.47 feet to a point, said point being the southeast corner of said Parcel 1;

Thence, along the boundary of said Parcel 1, on a bearing of N 89° 52' 18" W, a distance of 978.08 feet to the **POINT OF BEGINNING**;

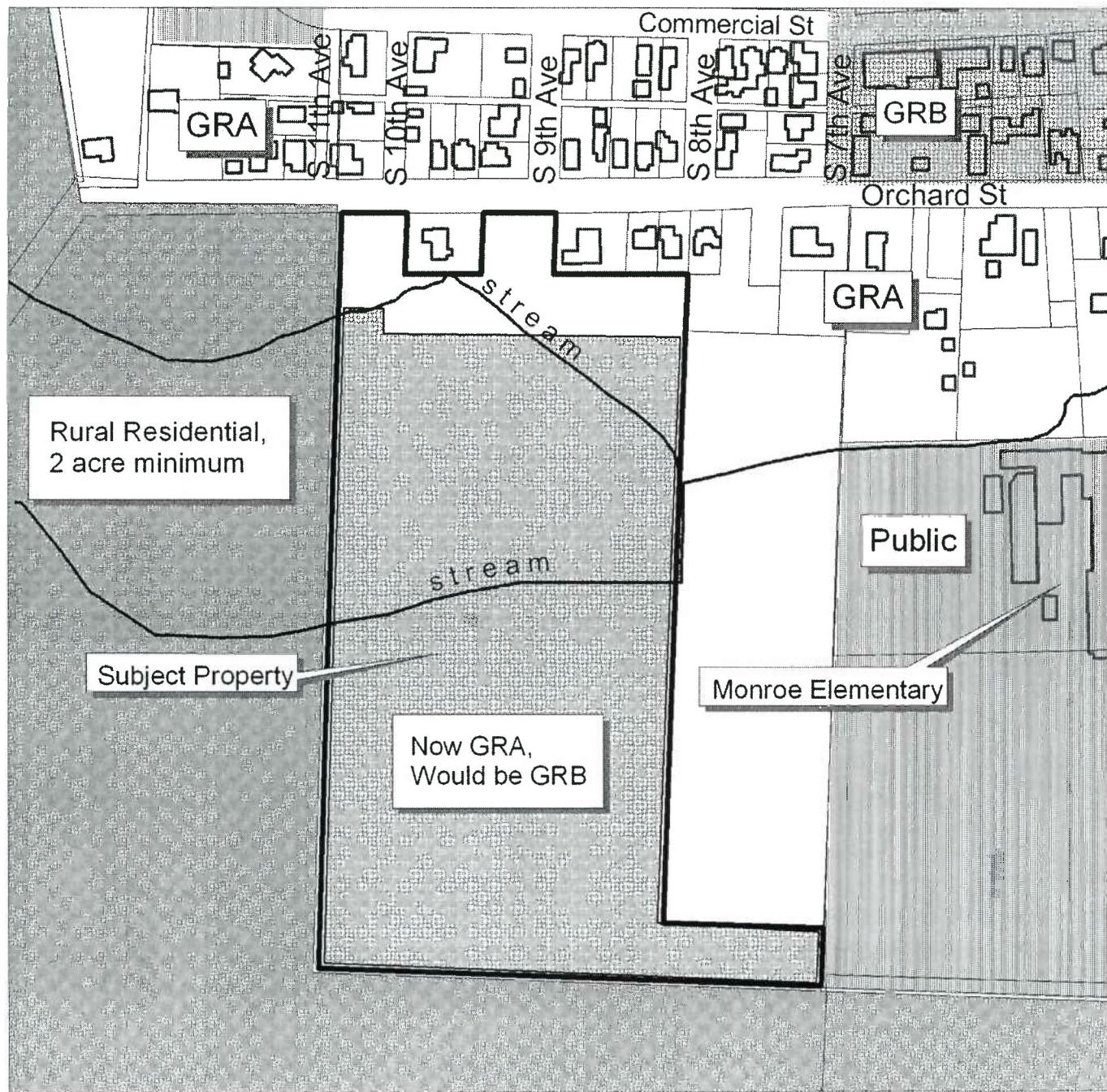
Said described parcel containing 19.16 acres.

LU-06-125 Monroe Zone Change

Application: Change the zone on the southerly 1,240 feet of a 22.6 acre parcel from General Residential Large Lot (GRA) to General Residential Small Lot (GRB)

Owners: James Monaghan, Kent Aldrich

Location: South of Orchard St., in the southwestern corner of the City of Monroe
T 14S R 5W Section 33B Tax Lot 800



500 0 500 1000 Feet



Kristin Anderson

Feb. 2007

Exhibit 2

Exhibit 3

Findings of Fact and Conclusions of Law File No. LU-06-125

A. GENERAL FINDINGS

The applicant proposes a zone change from General Residential, Large Lot (GRA) to General Residential, Small Lot (GRB) on the southerly 1240 feet (19.16 acres) of a 22.57 acre parcel. The precise location of the proposed zone boundary is described in Attachment A.

The applicant's stated plan is to subdivide the parcel into single-family residential lots. The subject parcel is roughly rectangular except along the northern boundary where the parcel abuts Orchard Street at two points, (at the northwest corner for approximately 125 linear feet and in the center of the northern boundary for approximately 140 linear feet), and at the southeast corner where a 306 foot by 113 foot flag extends to the east.

Along the northern boundary are four (4) tax lots zoned General Residential, Large Lot (GRA). Three of these parcels contain single-family homes. Across Orchard Street, are single family residences zoned General Residential, Large Lot. At the northeast corner, the parcel abuts a tax lot zoned General Residential, Large Lot with a single-family residence. To the east, the parcel primarily abuts vacant tax lots zoned General Residential, Large Lot. At the southeast corner the flag portion of the parcel abuts the Monroe Grade School property zoned Public. Property to the south and west is outside the Monroe City Limits and outside the Urban Growth Boundary and is designated by Benton County as Rural Residential, 2-acre minimum (RR-2). The land is currently in farm use.

The property is vacant and slopes to the east. The Benton County database indicates two streams on the property - one intermittent and one perennial. There is a wooded area in the northwestern section of the site. The Comprehensive Plan identified approximately half of the parcel as an area with "very poor surface drainage." No wetland determination has been completed for the site, however no wetlands are noted on the National Wetlands Inventory map for the area.

B. FINDINGS RELATED TO APPLICABLE CRITERIA

General Criterion:

Monroe Zoning Ordinance Section 152.135: Any request for revision to the zoning text or map shall be based on the policies of the Adopted Comprehensive Plan and State Planning Goals.

The Monroe City Council notes that in preparing the analysis of the proposed zone change, staff reviewed the Monroe Comprehensive Plan and identified those policies relevant to the zone change request. Staff also reviewed the Comprehensive Plan and Zoning Ordinance criteria relative to the State Planning Goals and determined that compliance of the zone change with both the criteria found in the Comprehensive Plan and the Zoning Ordinance would cause the zone amendment to be consistent with the State Planning Goals.

Housing Need Criteria:

Comprehensive Plan Policy III.C.1: The City of Monroe shall work toward meeting housing needs as required by LCDC Goal 10, by encouraging the development of a diversity of housing types of various price and rent levels, in a variety of locations at varying densities.

Comprehensive Plan Policy IV.C.1: Land allocations for various urban uses (high and low density residential, commercial and industrial) should be based upon anticipated needs for development, upon land use characteristics and the relationship of land uses.

The Monroe City Council notes that the 2003 City of Monroe Buildable Lands Inventory found that in general terms the City has a more than adequate supply of vacant residential land to accommodate population growth over a twenty-year period, assuming a traditional population growth rate of 1.2 percent per year. The Inventory advised that there is limited need to rezone land to meet housing needs relative to the number of units needed, however the Inventory did note that the trends of increased costs of land and public facilities are likely to continue, resulting in the need for smaller single family lot sizes and more multiple family housing to maintain housing affordability. There is currently 0.44 acres of vacant GRB-zoned property within the City that allows smaller single-family lots (between 5000 and 8000 square feet). The proposed rezone would add 19.16 acres of GRB-zoned property within the City of Monroe creating a total of 19.60 acres of GRB-zoned property within the City. Therefore, the proposed rezone would result in a significant increase to the amount of available GRB-zoned property within the City of Monroe.

The City Council finds that the proposed zone change complies with Comprehensive Plan Policies III.C.1 and IV.C.1 since there is currently a very small quantity of vacant land zoned for smaller residential lot sizes and the zone change would create such an area, thus allowing for the development of more affordable single-family homes.

Density and Compatibility Criteria:

Comprehensive Plan Map: Designation for this site is Low Density Residential

Comprehensive Plan Policy IV.C.10: Low-density residential development within the city is also appropriate in the undeveloped city area south of Orchard, and west of the grade school property.

Comprehensive Plan Policy IV.C.6: Maximum net development densities (not including streets) in high-density residential areas should not exceed 14.5 units per acre (one dwelling unit per 3,000 square feet). Maximum net densities in low-density residential areas should be 7.2 units per acre (one dwelling unit per 6,000 square feet).

Comprehensive Plan Policy IV.C.1: Land allocations for various urban uses (high and low density residential, commercial and industrial) should be based upon anticipated needs for development, upon land use characteristics and the relationship of land uses.

The Monroe City Council notes that the subject property is vacant and contains areas with poor surface drainage and at least intermittent streams. No wetland determination has been completed for the site and no wetlands are noted on the National Wetlands Inventory map for the area. However, a permit from the Oregon Division of State Lands will be required prior to development that will address the issue of any potential wetlands on the site.

The City Council notes that parcels to the south and west of the site are in agricultural use and designated on the Benton County Comprehensive Plan as Rural Residential, 2-acre minimum. Based on this Plan designation, the land could be divided into two-acre residential parcels. The parcels to the east are currently vacant and based upon current zoning could be developed as Large Lot Residential (8,001 – 14,000 square feet). Of the four tax lots along the northern edge of the property (Orchard Street), three are committed to larger lot residential use. Per the application, approximately 250 feet of the property south from Orchard Street, the area abutting the larger residential lots along Orchard Street, would remain GRA.

The City Council notes that the GRB zone allows lots down to 5,000 square feet, however lots of this size would be significantly smaller than existing lots in the surrounding area and smaller than those that might be developed to the east, south and west of the site. The City Council interprets Comprehensive Plan Policy IV.C.1 as requiring compatibility between neighboring and subject parcel/lot sizes and uses. To be consistent with Comprehensive Plan Map, Comprehensive Plan Policy IV.C.10 and Comprehensive Plan Policy IV.C.6, the average lot size must be at least 6,000 square feet.

The City Council finds that the proposed zone change is consistent with the Comprehensive Plan Map, Comprehensive Plan Policies IV.C.10, and IV.C.6 and, with the following condition, is consistent with Comprehensive Plan Policy IV.C.1 relative to compatibility with surrounding land uses, lot sizes and other characteristics of the site:

The minimum lot size for the GRB portion of the site shall be 5700 square feet and the minimum average size of all lots in the GRB portion of the site shall be 6087 square feet or larger, to ensure compliance with Comprehensive Plan Policy IV.C.6 that sets the maximum net density in low density residential areas as not exceeding 7.2 dwelling units per net acre (one dwelling unit per 6000 square feet).

Zone Boundary Criteria:

Monroe Zoning Ordinance Section 152.024. Zone Boundaries. Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines of a street or railroad right-of-way or such lines extended.

Monroe Zoning Ordinance Section 152.030 General Residential (GR)

(A) Lot provisions:

GRA Residential large lot: Minimum lot size: 8,001 sq ft; maximum lot size: 14,000 sq ft

GRB Residential small lot: Minimum lot size: 5,000 sq ft; maximum lot size: 8,000 sq ft

The Monroe City Council notes that the applicant is proposing to change the zone on a portion of an existing lot. The proposed zone change would split the parcel into two zones: GRA on the northern portion and GRB on the larger southern portion (approximately 19 acres). Currently as proposed, the zone boundary line would fall across a vacant parcel not following any physical or legal demarcation. However, the maximum lot size permitted in a General Residential zone is 14,000 square feet and in order to be developed as either General Residential, Large Lot and/or General Residential, Small Lot, a subdivision application would need to be submitted and approved by the City of Monroe. The subdivision will create new lot lines and streets.

The City Council finds that the zone change complies with Section 152.024 of the Monroe Zoning Ordinance with the following condition of approval:

Subsequent subdivision of the property will cause the zone boundary line to coincide with lot lines or the centerlines of streets.

C. CONCLUSION

Based upon the above facts and findings, the Monroe City Council finds that the requested Zoning Map Amendment with the conditions of approval as stated below meet all relevant criteria of the Monroe Comprehensive Plan, Monroe Zoning Ordinance and the State Planning Goals. The Monroe City Council therefore approves the request subject to the following conditions of approval:

1. The minimum lot size for the GRB portion of the site shall be 5700 square feet and the minimum average size of all lots in the GRB portion of the site shall be 6087 square feet or larger, to ensure compliance with Comprehensive Plan Policy IV.C.6 that sets the maximum net density in low density residential areas as not exceeding 7.2 dwelling units per net acre (one dwelling unit per 6000 square feet).
2. Subsequent subdivision of the property will cause the zone boundary line to coincide with lot lines or the centerlines of streets.