



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

06/25/2013

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 001-13

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: Thursday, July 11, 2013

This amendment was submitted to DLCD for review 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 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
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

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**FORM 2****DLCD**

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

JUN 21 2013

LAND CONSERVATION AND DEVELOPMENT

For DLCD Only

Jurisdiction: **City of Monmouth**Local file number: **LA 13-01**Date of Adoption: **6/18/2013**Date Mailed: **6/20/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: March 2013☐ 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".

he purpose of the amendments is to make minor corrections to the Zoning and Development Ordinance prior to the City's re-codification process.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

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...

35-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 ☐ NoDLCD file No. 001-13 (19735) [17496]

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

None

Local Contact: **Mark Fancey**

Phone: (503) 751-0147 Extension:

Address: **151 Main Street W.**

Fax Number: **503-838-0725**

City: **Monmouth**

Zip: **97361-**

E-mail Address: **mfancey@ci.monmouth.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending the Monmouth)
Zoning and Development Ordinance)

ORDINANCE NO. 1320

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

WHEREAS, the Planning Commission held a public hearing on said amendments on April 17, 2013, 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 21, 2013, 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 as set forth in Exhibit A.

Read for the first time: June 4, 2013

Read for the second time: June 18, 2013

Adopted by the City Council: June 18, 2013

Approved by the Mayor: June 18, 2013

ATTEST:


Phyllis L. Bolman, City Recorder

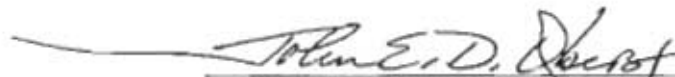

John E.D. Oberst, Mayor

Exhibit A

Amendments to Section 90.030:

90.030 Official Zoning Map.

A. The boundaries for each zone listed in this Ordinance shall be identified on the official zoning map of the City of Monmouth, ~~hereby adopted as Exhibit A.~~

B. The official zoning map shall be dated with the effective date of this Ordinance and signed by the Mayor. The City Planner shall maintain the official zoning map. **The official zoning map is located at City Hall.**

Amendments to Section 90.310:

90.080 Fees.

A. Fees shall be required for the following applications in order to process such applications:

1. Zone Change
2. Variance
3. Conditional Use
4. Planned Unit Development
5. Manufactured Dwelling Park
6. Plan Amendment
7. Site Plan Review
8. Design Review
9. Partition – Major and Minor
10. Subdivision
11. Expedited Land Division
12. Lot Line Adjustment
13. Floodplain Development Permit
14. Annexation
15. Appeal of a Planning Commission decision
16. Historic Site Review **Alteration Permit**
- 17. Home Occupation**
178. Time extension of an approved land use action

Amendments to Section 90.310:

90.310 Zone Change and Plan Amendment by Petition. Any property owner may initiate a zone change or plan amendment for the property that he or she owns by submitting to the City Recorder a petition bearing the following:

- A. Present zoning and plan designation of the property;
- B. Proposed zoning and plan designation of the property;
- C. Street address and township, range, section, and tax-lot number of the property;
- D. Legal description of the property;
- E. Names, addresses, and zip codes of the owners of record of the property to be reclassified;
- F. Signatures of the owners of at least 50 percent of the property to be reclassified and the percentage of each signatory's ownership of the property;
- ~~G. A map showing all properties within the notification area and the names of owners of each property;~~
- ~~H. A certified list showing the names and addresses of all owners of record of property within the notification area. Attached to the certified list shall be an affidavit of the person who prepared the certified list. The affidavit shall indicate that such person is qualified and competent to examine the public records of ownership of real property and that the list of names is accurate and complete. The certificate of an abstract company or title company incorporated under the laws of Oregon shall be deemed as compliance with this requirement. The petition for reclassification must be filed within 60 days of the making of the certified list.~~

~~The petition shall be filed with the City Recorder, who shall set a date for public hearing before the Planning Commission and give notice of such hearing as provided in this Ordinance.~~

Amendments to Section 90.905 – Child Care Facility, Flag Lots, and Manufactured Dwelling

Definitions

90.905 Definitions. Any residential type not covered in this Ordinance by definition, as a permitted or conditional use, may not be approved until the Planning Commission has defined and approved the use. The City Council must approve the Planning Commission recommendation and incorporate it in the Zoning Ordinance. Such action may take 90 or more days.

Child Care Facility. Any facility that provides care and supervision of no more than twelve (12) minor children for periods of less than 24 hours. Such a facility includes a day nursery, day care center, nursery school group, group childcare home, childcare center, family childcare home, kindergarten, or similar unit operating under any name. ~~{from ORS 657A.250 part omitted.}~~

Flag lot. A lot or parcel that has access to a road, street, or easement by means of a narrow strip of land or easement (~~see Sections 90.505 to 90.545~~). **Flag lot standards are in Section 97.285(F)**

Manufactured Dwelling. Manufactured dwelling means:

- A. Manufactured home, as defined by this Ordinance.
- B. Mobile home, as defined by this Ordinance.
- C. Residential trailer, as defined by this Ordinance.

Manufactured Dwelling does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the ~~One and Two Family Dwelling Code~~ **Oregon Residential Specialty Code** adopted pursuant to Oregon Revised Statutes 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

Amendments to Sections 93.022, 93.122, and 93.230:

93.022 Limitations on Use. The following special development limitations shall apply:

A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.

B. Requirements:

1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six (6) feet in height.
2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and shall **be maintained in good condition and repair** ~~have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.~~
3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

C. Outside storage in a required yard shall not exceed eight (8) feet in height.

93.122 Limitations on Use.

The following special development limitations shall apply:

A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.

B. Requirements.

1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six (6) feet in height.

2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and shall be maintained in good condition and repair ~~have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.~~

3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

C. Outside storage in a required yard shall not exceed eight (8) feet in height.

93.230 Limitations on Use. The following special development limitations shall apply:

A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.

B. Requirements:

1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six (6) feet in height.

2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and shall be maintained in good condition and repair ~~have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.~~

3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

C. Outside storage in a required yard shall not exceed eight (8) feet in height.

Amendments to Sections 93.055, 93.145, and 93.255:

93.055 Design Review Criteria. The Planning Commission shall consider the following criteria in evaluating Design Review applications in order to ensure that the purposes of this section are met:

A. The use, as proposed, is consistent with the description of permitted uses in Section 93.010 or that the use is listed as a conditional use in Section 93.015 and the applicant has submitted a concurrent Conditional Use Permit application.

B. The location, design, size, shape and arrangement of the uses and structures are in scale with and are compatible with surrounding structures and land uses.

C. The quantity, location, height, and materials of walls, fences, hedges, screen plantings, and landscaped areas are such that they serve their intended purpose and have no undue adverse effect on abutting land uses.

D. The development meets all landscaping requirements and includes suitable planted ground cover or other surfacing is provided to prevent erosion and reduce dust.

E. Adequate public facilities are available to serve the development or will be made available through development of the property.

F. Adequate right-of-way and road improvements are provided by the development, based on anticipated traffic generation, in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to city specifications, and also to the necessity for such additional requirements as lighting, sidewalks, turn and deceleration/acceleration lanes and frontage roads.

G. The access meets all requirements and the circulation pattern within the boundaries of the development is safe and efficient. Consideration shall be given to the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings, and other related facilities.

H. Off-street parking and loading-unloading facilities are provided in a safe and efficient manner and meet all applicable requirements. Such consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

I. All proposed signs meet the requirements of the Sign Code.

J. On-site lighting is ~~in scale and harmonious with the site and surrounding area~~ **meets the requirements of Sections 93.042(E) and 93.060(A)(2).**

93.145 Design Review Criteria. The Planning Commission shall consider the following criteria in evaluating Design Review applications in order to ensure that the purposes of this section are met:

A. The use, as proposed, is consistent with the description of permitted uses in Section 93.110 or that the use is listed as a conditional use in Section 93.115 and the applicant has submitted a concurrent Conditional Use Permit application.

B. That the location, design, size, shape and arrangement of the uses and structures are in scale with and are compatible with surrounding structures and land uses.

C. That the quantity, location, height, and materials of walls, fences, hedges, screen plantings, and landscaped areas are such that they serve their intended purpose and have no undue adverse effect on abutting land uses.

D. The development meets all landscaping requirements and includes suitable planted ground cover or other surfacing is provided to prevent erosion and reduce dust.

E. Adequate public facilities are available to serve the development or will be made available through development of the property.

F. Adequate right-of-way and road improvements are provided by the development based on anticipated traffic generation, in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to City specifications, and to the necessity for such additional requirements as lighting, sidewalks, turn and deceleration/acceleration lanes and frontage roads.

G. The access meets all requirements and the circulation pattern within the boundaries of the development is safe and efficient. Consideration shall be given to the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings, and other related facilities.

H. Off-street parking and loading facilities are provided in a safe and efficient manner and meet all applicable requirements. Such consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

I. All proposed signs meet the requirements of the Sign Code.

J. On-site lighting is ~~in scale and harmonious with the site and surrounding area~~ meets the requirements of Sections 93.042(E) and 93.060(A)(2).

93.255 Design Review Criteria. The Planning Commission shall consider the following criteria in evaluating Design Review applications in order to ensure that the purposes of this section are met:

A. The use, as proposed, is consistent with the description of permitted uses in Section 93.210 or that the use is listed as a conditional use in Section 93.220 and the applicant has submitted a concurrent Conditional Use Permit application.

B. The location, design, size, shape and arrangement of the uses and structures are in scale with and are compatible with surrounding structures and land uses.

C. The quantity, location, height, and materials of walls, fences, hedges, screen plantings, and landscaped areas are such that they serve their intended purpose and have no undue adverse effect on abutting land uses.

D. The development meets all landscaping requirements and includes suitable planted ground cover or other surfacing is provided to prevent erosion and reduce dust.

E. Adequate public facilities are available to serve the development or will be made available through development of the property.

F. Adequate right-of-way and road improvements are provided by the development, based on anticipated traffic generation, in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to city specifications, and also to the necessity for such additional requirements as lighting, sidewalks, turn and deceleration/acceleration lanes and frontage roads.

G. The access meets all requirements and the circulation pattern within the boundaries of the development is safe and efficient. Consideration shall be given to the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings, and other related facilities.

H. Off-street parking and loading-unloading facilities are provided in a safe and efficient manner and meet all applicable requirements. Such consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

I. All proposed signs meet the requirements of the Sign Code.

J. On-site lighting is ~~in scale and harmonious with the site and surrounding area~~ meets the requirements of Sections 93.042(E) and 93.060(A)(2).

Amendments to Section 94.015:

94.015 Conditional Uses. If authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in a PS Zone:

A. Cemetery;

- B. Commercial utilities for the purpose of generating power for sale to the public, including, but not limited to, turbine, thermo-nuclear, geothermal, or hydroelectric installations;
- C. Detention and correctional home, institution, or school;
- D. Hospital;
- E. Hospital and institution for the ~~mentally-retarded~~ **intellectually disabled**;
- F. Penal institution;
- G. Public or private solid waste disposal site, solid waste transfer facility, sanitary land fill;
- H. Reformatory;
- I. Residential school for the handicapped.
- J. Wireless Communication Facilities, in accordance with the provisions of Sections 98.005 to 98.045.

Amendments to Section 94.210:

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(e).~~
- 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, sub-stations, 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 August 3, 2010, in compliance with the Monmouth Zoning and Development Ordinance on that date.

Amendments to Section 95.085:

95.085 Specific Standards for Flood Hazard Reduction. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 95.030, Basis for Establishing Flood Hazard, or Section 95.065, Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Crawlspace Construction. Below-grade crawlspaces are allowed subject to the following standards as found in **National Flood Insurance Program** Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Area*.

Amendments to Section 96.040:

96.040 Pedestrian Access and Circulation.

B. Walkway Design and Construction. Walkways, including those provided with pedestrian accessways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 96.040(2):

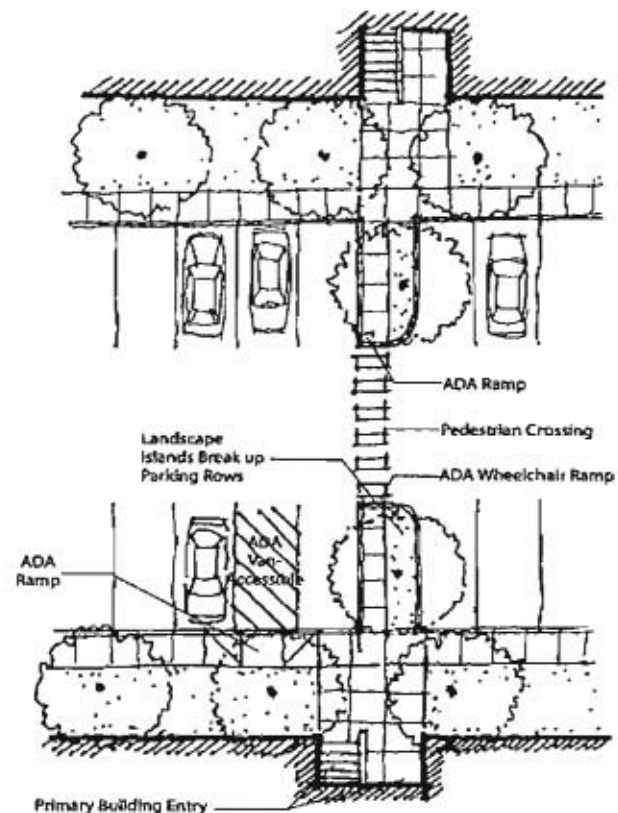
1. **Vehicle/Walkway Separation.** Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the City may approve a walkway abutting a

driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

2. Crosswalks. Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermoplastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

3. Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide. (See also, Section 3.4.100 Transportation Standards for public, multi-use pathway standard.)

Figure 96.040(2) Pedestrian Walkway Detail (Typical)



Amendments to Section 96.415:

96.415 Traffic Impact Analysis Standards

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a land use or development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

B. Typical Average Daily Trips. The latest edition of the Trip Generation ~~m~~Manual, 9th Edition, published by the Institute of Transportation Engineers (ITE), shall be used as the standard by which to gauge average daily vehicle trips.

C. When Required. A Traffic Impact Analysis may be required by the Public Works Director with a land use or development application, when the application involves one or more of the following actions:

1. A change in zoning or a Comprehensive Plan Map designation;
2. Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; or
3. The development will cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - a. An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the Public Works Director); or
 - b. An increase in site traffic volume generation of 25 or more peak-hour trips; or
 - c. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - d. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
 - e. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - f. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or a local arterial or collector, or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements.

1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer ~~in accordance with OAR 734-051-180.~~ The City shall commission the traffic analysis and it will be paid for by the applicant.
2. Transportation Planning Rule Compliance. See Section 96.420 Transportation Planning Rule Compliance.
3. Pre-application Conference. The applicant will meet with the Public Works Director prior to submitting an application that requires a Traffic Impact Application. This meeting will determine the required elements of the TIA and the level of analysis expected.

E. Approval Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:

1. The Traffic Impact Analysis must be prepared by a professional engineer in accordance with OAR 734-051-180; and

2. If the proposed development will cause one or more of the effects in subsection 3, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis must include mitigation measures that meet the City's Level-of-Service and satisfactory to the Public Works Director, and ODOT, when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, must be designed to:
 - a. Have the least negative impact on all applicable transportation facilities;
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;
 - c. Make the most efficient use of land and public facilities as practicable;
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - e. Otherwise comply with applicable requirements of the City of Monmouth Zoning Ordinance.

Amendments to Section 96.425:

96.425 Criteria for Certain Transportation Facilities and Improvements

A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are either not designated in the adopted City of Monmouth Transportation System Plan ("TSP") or not designed and constructed as part of an approved, active, development order are allowed in all zoning districts subject to the Conditional Use provisions of the Zoning Ordinance and satisfaction of all of the following criteria:

1. The project and its design are consistent with Monmouth's adopted TSP and consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR").
2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available.
4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP.

B. State transportation system facility or improvement projects. The Oregon Department of Transportation ("ODOT") shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 90.550-~~96.425~~(A)(1-5). Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

Amendments to Section 97.400:

97.400 Streets Exceptions.

A. The creation of streets shall be in conformance with requirements for subdivisions except, however, the Planning Commission shall approve the creation of a street to be established by deed if any of the following conditions exist:

1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
2. The tract in which the street is to be dedicated is an isolated ownership on one (1) acre or less.
3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.

B. In those cases where approval of a street may be given without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the City at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 97.270 through 97.380 of Sections 97.005 to 97.430, shall be approved with such conditions as are necessary to preserve these standards.

Amendments to Section 97.425:

97.425 Appeal of Decision on Application for Expedited Land Division; Notice Requirements; Standards for Review; Procedure; Costs.

A. An appeal of a decision made under Sections 97.410 and 97.415 shall be made as follows:

1. An appeal must be filed with the City within fourteen (14) days of mailing of the notice of the decision under Section 97.415(D), and shall be accompanied by the appropriate fee for costs.
2. A decision may be appealed by:
 - a. The applicant; or
 - b. Any person or organization who files written comments in the time period established under Section 97.415.
3. An appeal shall be based solely on allegations:
 - a. Of violation of the substantive provisions of the applicable land use regulations;
 - b. Of unconstitutionality of the decision;
 - c. That the application is not eligible for review under Sections 97.410 to 97.430 and should be reviewed as a land use decision or limited land use decision; or

d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

B. The City shall appoint a referee to decide the appeal of a decision made under sections 97.410 and 97.415. The referee shall not be an employee or official of the local government. However, if the City has designated a hearings officer under ORS 215.406 or 227.165, the City may designate the hearings officer as the referee for appeals of a decision made under Sections 97.410 and 97.415.

C. Within seven (7) days of being appointed to decide the appeal, the referee shall notify the applicant, the City, the appellant if other than the applicant, any person or organization entitled to notice under Section 97.415(B) that provided written comments to the City and all providers of public facilities and services entitled to notice under Section 97.415 and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the City but did not file an appeal under subsection A of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the City an opportunity to explain its decision but is not limited to reviewing the City's decision and may consider information not presented to the City.

D.

1. The referee shall apply the substantive requirements of the applicable land use regulations and Section 97.410. If the referee determines that the application does not qualify as an expedited land division as described in Section 97.410, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

2. The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the City for any reason other than as set forth in this subsection.

E. Unless the City finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

F. Notwithstanding any other provision of law, the referee shall order the City to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection A of this section, against an appellant who does not materially improve his or her position from the decision of the City. The City shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the City, but not the costs of other parties.

G. The Land Use Board of Appeals does not have jurisdiction to consider any decision, aspects of decisions or actions made under Sections 97.410 to 97.430.

H. Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board

of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850(9) or any other provision of law, the court shall reverse or remand the decision only if it finds:

1. That the decision does not concern an expedited land division as described in Section 97.410 and the appellant raised this issue in proceedings before the referee;
2. ~~A basis to reverse or remand the decision described in ORS 36.355(1); or~~
3. That the decision is unconstitutional.

Amendments to Section 97.600:

97.600 Final Plan. The final plan, when it has been approved and recorded, shall be a permanent public record of the PUD. The final plan shall contain, in final form, all information contained in the tentative plan approved by the Planning Commission. The final plan shall be prepared in a form suitable for inclusion in the deed records of Polk County, and shall include the following:

- A. If lots are to be sold, a "hard copy" subdivision plat in the form prescribed in ORS Chapter 92;
- B. If condominiums are to be sold, a condominium plat as required under ORS Chapter ~~94~~ 100.

Amendments to Section 99.025:

99.025 Zoning of Annexed Territory. Upon annexation to the City, property shall automatically be given the ~~city Comprehensive Plan Z~~ zoning D 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. 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

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

Amendments to Section 90.075:

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.

MONMOUTH
MAIN STREET
H, OR 97301

neopost

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

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LAND CONSERVATION
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