



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/06/2014
Jurisdiction: City of Monmouth
Local file no.: LA 14-02
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/03/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	002-14 {22395}
	DEPT OF
	NOV 03 2014
LAND CONSERVATION AND DEVELOPMENT	
For Office Use Only	

Jurisdiction: **City of Monmouth**Local file number: **LA 14-02**Date of Adoption: **10/21/2014**Date Mailed: **10/29/2014**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: August 2014☐ 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".

The purpose of the amendments is to allow maintaining chickens in several residential zones.

Does the Adoption differ from proposal? Please select one

No

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 ☐ No

DLCD file No. _____

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 Adopting Legislative)
Amendment 14-02 to the Monmouth)
Zoning and Development Ordinance)

ORDINANCE NO. 1349

WHEREAS, the Monmouth City Council directed the Monmouth Planning Commission to consider amending the Monmouth Zoning and Development Ordinance to include provisions allowing for the keeping and maintaining chickens in certain zones in the city; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Comprehensive Plan amendments not less than 35 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Planning Commission held a public hearing on said amendments, proposed as Legislative Amendment 14-02, a copy of which is attached hereto as Exhibit A and incorporated herein, on September 3, 2014, 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 Legislative Amendment 14-02 on September 16, 2014, at which time the public was given full opportunity to be present and heard on the matter; and

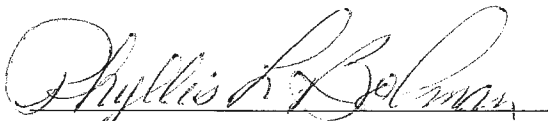
WHEREAS, the City Council found and hereby finds that the proposed amendments to allow for the keeping and maintaining of chickens in certain zones in the city, and related amendments as set forth in Legislative Amendment 14-02, are in the public interest to adopt them; NOW, THEREFORE,

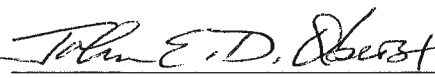
THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Monmouth does hereby adopt Legislative Amendment 14-2, as set forth in Exhibit A.

Read for the first time: October 7, 2014
Read for the second time: October 21, 2014
Adopted by the City Council: October 21, 2014
Approved by the Mayor: October 21, 2014

ATTEST:


Phyllis L. Bolman, City Recorder


John E.D. Oberst, Mayor

REVISED

Exhibit A

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

Amendments to Section 91.015:

91.015 Permitted Uses. Within any RS 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. Single-family dwelling;
- B. Playground, ~~garden~~ or park;
- C. Garden, orchard, or crop cultivation; Maintaining cattle, horses, ~~poultry~~, or livestock is not permitted. **Maintaining poultry is allowed subject to the requirements of Monmouth City Code Section 42.220.** The occasional sale or trading of plants and produce grown on the premises shall be permitted; (Amended by Ordinance 1267, November 4, 2008)

Amendments to Section 91.115:

91.115 Permitted Uses. Within any RM Zone, no structure shall be used, constructed, altered and no lot, tract, or parcel of land shall be used or occupied for any purposes except the following:

- A. Two-family dwelling (duplex);
- B. Medium density residential structure such as a townhouse, row houses, provided that the aggregate number of dwellings in the structure does not exceed six (6);
- C. Playground, ~~garden~~, or park;
- D. Garden, orchard, or crop cultivation; Maintaining cattle, horses, ~~poultry~~, or livestock is not permitted. **Maintaining poultry is allowed subject to the requirements of Monmouth City Code Section 42.220.** The occasional sale or trading of plants and produce grown on the premises shall be permitted; (Amended by Ordinance 1267, November 4, 2008)

Amendments to Section 91.330:

91.330 Permitted Uses. Within any MX 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. Residential dwellings, including single-family, manufactured homes, and multifamily structures.

B. Except as otherwise provided in Sections 91.305 to 91.400, any commercial uses listed within Sections 92.305 to 92.370, Commercial Retail Transitional (CRT) Zone, except for auto-oriented uses. "Automobile-oriented uses" means automobiles and/or other motor vehicles are an integral part of the use.

C. Open Space Uses, including garden, orchard, or crop cultivation; Maintaining cattle, horses, or livestock is not permitted. Maintaining poultry is allowed subject to the requirements of Monmouth City Code Section 42.220. The occasional sale or trading of plants and produce grown on the premises shall be permitted.

D. Neighborhood Coffee House as defined in Sections 91.305 to 91.400.

E. Residential Care Homes and Facilities. Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five (5) or fewer individuals ("homes") or six (6) to fifteen (15) individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.
2. Parking. A minimum of one (1) parking space shall be provided for each employee and typical number of visitors, in accordance with Sections 96.005 to 96.045 "Parking."
3. Development Review. Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Ordinance.

F. Residential flats situated on the second floor above permitted nonresidential uses.

G. Childcare facilities, as defined by this Ordinance, with ORS 657A.030 and 657A.250 to 657A.450.

H. Playground or park.

ONMOUTH
IN STREET
OR 97361

neopost[®]
10/31/2014

US POSTAGE

FIRST-CLASS MAIL

\$01.19



ZIP 97361
041L11217861

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

DEPT OF

NOV 03 2014

LAND CONSERVATION
AND DEVELOPMENT