



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

October 24, 2006

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 004-06



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: November 8, 2006

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/



DEPT OF

OCT 19 2006

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

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

Jurisdiction: City of Monmouth
Date of Adoption: October 3, 2006
Date Proposal was Provided to DLCD: June 21, 2006

Local File Number: CPMA-ZC 06-04
Date Mailed: October 18, 2006

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 request would amend the zoning designation from Medium Density Residential (RM) to High Density Residential (RH) for a 12,953 square foot property.

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: Low Density Residential to High Density Residential

Zone Map Changed from: Low Density Residential (RS) to High Density Residential (RH)

Location: Assessor Map 8430 BB Tax Lot 16000 Acres Involved: 0.3

Specified Change in Density: Current: 12 du/acre Proposed: 20 du/acre

Applicable Statewide Planning Goals: 1, 2, 8

Is an Exception Proposed? Yes: No:

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

DLCD File Number: 004-06 (15180)

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) 588-6177
Address: MWVCOG 105 High Street SE
City: Salem Zip Code+4: 97301-3667

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 Changing the Zoning)
Designation of a Parcel of Real Property)
Owned by Fred Kasachev, Zone Change)
Comprehensive Plan Amendment 06-04.)

ORDINANCE NO. 1240

WHEREAS, Fred Kasachev is the owner (hereinafter "Owner") of the real property described on Exhibit A, which is attached hereto and by this reference incorporated herein (hereinafter the "Property"); and

WHEREAS, Owner submitted an application to change the zoning designation of the Property from Medium Density Residential (RM) to High Density Residential (RH) and the Comprehensive Plan designation from Medium Density Residential to High Density Residential; and

WHEREAS, after due notice and public hearings on June 21, 2006 and July 19, 2006, the Planning Commission recommended to the Council that said application be approved; and

WHEREAS, after due notice and public hearing on August 1, 2006, the Council, based upon the findings, facts, and conclusions in the staff report dated July 25, 2006, on file in the Community Development Department of the City, which are incorporated herein by reference, did and does find that there is a public need for land use of the kind for which the zoning and comprehensive plan amendments were initiated and that public need can best be met by amending the Zoning and Comprehensive Plan designations of the Property to High Density Residential. NOW, THEREFORE,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The Zoning designation of the Property described on Exhibit A hereto, is hereby changed to High Density Residential.

Section 2. The Comprehensive Plan designation of the Property described on Exhibit A hereto, is hereby changed to High Density Residential.

Section 3. The above approval is subject to the continuing condition that development on the Property shall comply with a 15 foot rear yard setback. Before a building permit for development on the Property can be issued, Owner shall prepare,

sign, record with the county clerk, and provide a copy thereof to the City Recorder of a notice that the Property is subject to the continuing condition set forth in this section.

Read for the first time: September 5, 2006
Read for the second time: October 3, 2006
Adopted by the City Council: October 3, 2006
Approved by the Mayor: October 3, 2006


LARRY DALTON, MAYOR

ATTEST:

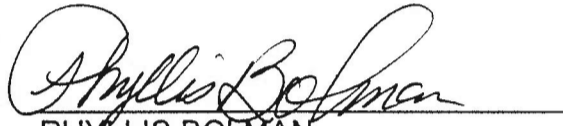

PHYLLIS BOLMAN
CITY RECORDER

EXHIBIT A

Legal Description

Real property In the County of Polk, State of Oregon, described as follows:

PARCEL I

Beginning at an iron rod in the West line of Pacific Highway 99W, which iron rod is 47 chains South and 23.03 chains West from the Northeast corner of the John B. Smith Donation Land Claim No. 47 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, said point of beginning being the Northeast corner of that certain tract of land conveyed to Sylvia Robison by deed recorded in Volume 96, Page 59, Deed Records for Polk County, Oregon; and running thence West along the North line of said Robison tract, 401.28 feet to an iron rod at the Northwest corner thereof; thence South 00°10' West along the West line of said Robison tract, 1325.63 feet to the true place of beginning; thence South 00°10' West 102 feet; thence South 89°52' East 78.98 feet; thence North 00°30'40" East 102 feet; thence North 89°52' West 78.98 feet to the place of beginning.

PARCEL II

Beginning at an iron rod in the West line of Pacific Highway 99W, which iron rod is 47.00 chains South and 23.03 chains West from the Northeast corner of the John B. Smith Donation Land Claim No. 47 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, said point of beginning being the Northeast corner of that certain tract of land conveyed to Sylvia Robison by deed recorded in Volume 96, Page 59, Deed Records for Polk County, Oregon, and running thence West along the North line of said Robison tract, 401.28 feet to an iron rod at the Northwest corner thereof; thence South 00°10' West along the West line of said Robison tract, 1427.63 feet to the true point of beginning; thence South 00°10' West to an iron pipe at the Southwest corner of said Robison tract; thence South 89°52' East along the South line of said Robison tract, 78.98 feet to an iron rod; thence North 00°30'40" East 102.00 feet; thence North 89°52' West 78.98 feet to the place of beginning.

PARCEL III

Beginning at a point which is 47 chains South and 23.03 chains West from the Northeast corner of the John B. Smith Donation Land Claim No. 47, in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence South 00°30'40" West, a distance of 1205.70 feet to an iron rod on the West line of Pacific Highway 99 West; thence North 78°27' West, a distance of 76.21 feet to an iron rod; thence North 89°52' West, a distance of 174.30 feet to an iron rod; thence South 0°30'40" West, a distance of 340.00 feet to an iron rod on the North right of way line of Church Street in Monmouth; thence North 89°50'30" West, a distance of 63.59 feet to an iron rod; thence North 0°10' East, a distance of 204.00 feet to the place of beginning, and from said place of beginning North 0°10' East, a distance of 136.00 feet; thence North 89°52'30" West, a distance of 78.98 feet; thence South 0°10' West, a distance of 136.00 feet; thence South 89°50'30" East, a distance of 78.98 feet to the place of beginning.

TOGETHER WITH a non-exclusive easement for access purposes over the following described property, commonly known as Catron Street, which easement will automatically terminate upon recordation of a deed dedicating such property to the City of Monmouth as a public street or roadway:

Beginning at a point that is 1190.59 feet South 0°30'40" West and 249.28 feet North 89°52' West from an iron rod that is 47 chains South and 23.03 chains West from the Northeast corner of the John B. Smith Donation Land Claim # 47 in Township 8 South Range 4 West of the Willamette Meridian in Polk County, Oregon; thence South 00°30'40" East 340.0 feet to a 5/8" iron rod; thence North 89°52'00" West 63.70 feet to a 5/8" iron rod; thence North 00°10'00" West to a point that is North 89°52'00" West of the point of beginning; thence South 89°52'00" East to the point of beginning.

SAVE AND EXCEPT (from the description of such easement): A tract of land lying In the Northwest quarter of Section 30, Township 8 South, Range 4 West of the Willamette Meridian, City of Monmouth, Polk County, Oregon, being more particularly described as follows:

Beginning at a 1" iron pipe at the Southeast corner of Parcel 2 of a certain deed conveyed to Boise Cascade Corporation per BOR 225, Page 1349, said pipe lying North 0°04' West 168.20 feet and North 89°36' West 1921.26 feet from the Southwest Corner of the Joseph Carmack Donation Land Claim No. 66, said Township and Range and also on the North line of Outlot 2, City of Monmouth; thence along said North line of Outlot 2 South 89°23'46" East 259.76 feet to a point on the Westerly right-of-way line of Pacific Highway 99W lying 2.96 feet South 0°32'40" West from a 5/8" iron rod at State Highway Station 1025+44.28; thence along said right-of-way line North 0°32'40" East 18.00 feet to a 5/8" iron rod; thence leaving said right-of-way line North 89°23'46" West 259.76 feet to a 5/8" iron rod; thence South 00°32'40" West 18.00 feet to the point of beginning.

[Permitted Encumbrances]

1. All taxes, assessments and similar charges for the current property tax year and all subsequent years; and all taxes, assessments and similar charges described in paragraph 10(d) of this Agreement.
2. Any and all laws, ordinances, rules, regulations and other legal requirements of any planning and/or zoning board or commission or any other governmental entity or authority.
3. Any and all riparian rights of others in and to any creeks, rivers, lakes, streams, swamps, ponds and other bodies of water located on or adjoining the Property or any part thereof.
4. Any and all claims of the sovereign or any other person or entity with respect to portions of the Property which border or are under any body of water.
5. Any and all matters which would be disclosed by a current survey or inspection of the Property, including but not limited to encumbrances and boundary line questions.
6. Any and all prior reservations, conveyances, grants or leases of minerals of whatever kind or character (including, without limitation, oil, gas, coal, lignite, clay, sand, gravel, rock, aggregate and other minerals) located in, on or under the Property or any part thereof and all rights and easements with respect to the exploration, mining, drilling, extraction, removal and production of such minerals.
7. Any and all cemeteries on the Property and any and all road, railroad, utility, pipeline, drainage, flowage, access or other easements or rights of way affecting the Property.
8. Any and all access related exceptions or any loss or claim due to lack of access to any portion of the Property.
9. All matters of record affecting the Property.
10. Any other matters affecting title to the Property which do not have a material, adverse effect on the value or the use of the Property for the growing and harvesting of timber.
11. FURTHER SUBJECT TO the matters on the attached Exhibit B-1.

) The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

(2) Access restrictions, including terms and provisions thereof. Recorded: May 27, 1953 in Book 150, Page 671, Deed Records Modification and/or amendment by instrument: Recording Information: February 15, 1980 in Book 146, Page 2194, Book of Records

(3) Easement, including terms and provisions contained therein:
Recording Information: October 5, 1962 in Book 183, Page 461,
Deed Records
In Favor of: City of Monmouth, Oregon
For: Right-of-way

(4) Easement, including terms and provisions contained therein:
Recording Information: September 11, 1983 in Book 173, Page 996,
Book of Records
In Favor of: City of Monmouth, Oregon
For: Utility

(5) Revocable License Agreement, including terms and provisions thereof.
Recorded: September 11, 1998 in Book 362, Page 1858,
Book of Records Statement

