



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/Costal Fax: (503) 378-6033

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

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

NOTICE OF ADOPTED AMENDMENT

January 11, 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 009-05

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: January 24, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Geoff Crook, DLCD Regional Representative
Martha Wiebe, City of Monmouth

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FORM 2

DEPT OF 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

JAN 05 2006

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Monmouth Local File No.: 2005-16
(If no number, use none)

Date of Adoption: January 3, 2006 Date Mailed: 1-4-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Sept. 14, 2005

☐ 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."

Rezoned two residential lots along Hwy. 99W. to
Commercial Highway zone.

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: RM to CH

Zone Map Changed from: RM to CH

Location: corner of 99W. & Clay St. Acres Involved: 1.86

Specify Density: Previous: 12 du/ac. New: X

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 009-05 (14680)

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: ☒ 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: ODOT

Local Contact: Martha Wiebe Area Code + Phone Number: 503. 751-0147

Address: 151 W. Main St.

City: Monmouth Zip Code+4: 97361-

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded 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 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 copy this form on to 8-1/2x11 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.**

151 Main Street West
Monmouth, Oregon 97361
(503) 838-0722
FAX (503) 838-0725
www.ci.monmouth.or.us



*Promoting pride,
progress, and friendly
hometown values*

NOTICE OF DECISION

Zone Change and Plan Amendment 05-6

Jason Pool, representing Western Oregon Investments

Notice is hereby given that on January 3, 2006 the Monmouth City Council adopted Ordinance No. 1226 that approved a request from Jason Pool, representing Western Oregon Investments, for a Zone Change and Plan Amendment on property at Pacific and Clay Streets.

The description of the real property involved, the new zoning and comprehensive plan designations, and the findings supporting the decision are all set forth in Ordinance No. 1226, a copy of which is attached hereto.

The 21-day period for appealing this decision to the Oregon Land Use Board of Appeals commences on the date this notice was mailed. Additional information on this matter may be obtained through the Monmouth Planning Department at City Hall; 151 W. Main Street, Monmouth, Oregon 97361. Ph. 503.751.0145

DATE OF MAILING:

January 4, 2006

Sarah Salisbury
Sarah Salisbury
City Recorder



CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance changing the zoning and)
comprehensive plan designations of two)
parcels of real property owned by Western)
Oregon Investments, Inc. from Medium-)
Density Residential to Commercial Highway)
through Zone Change and Plan Amendment)
05-6.)

ORDINANCE NO. 1226

WHEREAS, Western Oregon Investments, Inc. (hereinafter "Owner") is the Owner of a .9 acre and a 7000 ft.² parcel of real property, located at 235 and 265 S. Pacific St, and which are more particularly described on Exhibit A hereto (hereinafter the "Properties");

WHEREAS, Owner, by and through Jason Pool, its representative, submitted an application to change the zoning and comprehensive plan designations of the Properties from Medium-Density Residential to Commercial Highway

WHEREAS, after due notice and public hearing, the Planning Commission recommended to the Council that said application be approved; and

WHEREAS, after due notice and public hearing on December 6, 2005, the Council approved said application based upon the following Findings and Conclusions, which are hereby adopted:

FINDINGS

1. The .9 acre parcel contains the former College Inn Motel, which is vacant, which was a pre-existing nonconforming structure in the Medium-Density Residential Zone, and which cannot be used as a motel under the provisions of MZO 10.055, nor for any other commercial use under the provisions of the Medium-Density Residential zone.

2. The 7000 ft.² parcel does not meet the minimum lot size in the Medium-Density Residential zone, which is 7260 ft.², contains a vacant single family residential

home which is a pre-existing nonconforming use, which is in the process of being removed from the Properties, and which, under the provisions of MZO 10.055, cannot be developed with any type of residential use.

3. The minimum lot size in the Commercial Highway zone is 5000 ft.²

4. The Properties are adjacent to State Highway 99W, a major traffic arterial, and therefore are subject to state approval of ingress-egress which would be difficult to obtain if the Properties were developed with the 20 plus multi-family units authorized in the Medium-Density Residential Zone, and would also be subject to traffic congestion and noise virtually 24 hours a day, which would be incompatible with residential uses.

5. The Medium-Density Residential zone is intended to protect areas suitable for medium-density residential uses such as duplexes, row houses, and townhouse.

6. The Commercial Highway zone is intended to find and protect areas suitable for commercial uses that require exposure and access to major traffic arterials and which provide facilities and services to motorists.

CONCLUSIONS

1. The Medium-Density Residential zoning and comprehensive plan designations on the Properties are erroneous and a change to Commercial Highway would correct that error.

2. Conditions in the neighborhood surrounding the Properties, and on the Properties, have changed to such degree that the residential zoning is no longer appropriate and a change of the zoning and comprehensive plan designations to Commercial Highway would enable the Properties to conform to the new conditions on the Properties and in the neighborhood. NOW, THEREFORE, pursuant to MZO 12.020 A and B,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The zoning and comprehensive plan designations of the Properties described on Exhibit A are hereby changed to Commercial Highway.

Section 2. This Ordinance shall not become effective until Owner signs and

records, on behalf of Owner and all future owners, and at Owner's expense, a waiver of all potential Measure 37 claims.

Read for the first time: December 6, 2005

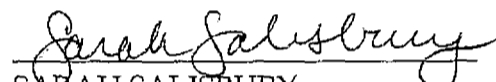
Read for the second time: January 3, 2006

Adopted by the City Council: January 3, 2006

Approved by the Mayor: January 3, 2006


LARRY DALTON, MAYOR

ATTEST:


SARAH SALISBURY
CITY RECORDER

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