

Oregon

Theodore R. Kulungoski, 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

02/24/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Monument Plan Amendment
DLCD File Number 001-08

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: Monday, March 09, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Teri Hamilton, City of Monument
Doug White, DLCD Community Services Specialist
Grant Young, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

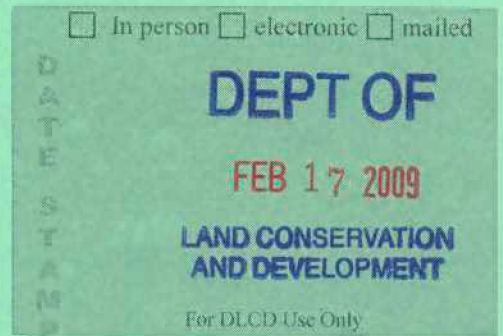
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FORM 2

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



Jurisdiction: **City of Monument**

Local file number: **001**

Date of Adoption: **1/13/2009**

Date Mailed: **2/13/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/1/2009

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 City of Monument approved the owner of 287 Third Street to change the zoning of his property from residential zoning to commercial zoning.

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

Plan Map Changed from:

to:

Zone Map Changed from: **Residential**

to: **Commercial**

Location: **287 Third Street Monument, OR 97864**

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 # 001-08(17131)

DLCD file No. _____

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

ODOT

Local Contact: **Teri Hamilton**

Phone: (541) 934-2025 Extension:

Address: P.O. Box 426

Fax Number: 541-934-2025

City: **Monument**

Zip: 97864-

E-mail Address:

cityofmonument@centurytel.net

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.

ORDINANCE NO. 2008-1

ORDINANCE #2008-A; AND ORDINANCE AMENDING THE CITY OF MONUMENT
COMPHREHENSIVE PLAN MAP AND ZONING MAP, AND DECLARING AN EMERGENCY.

- WHEREAS: The City of Monument has received a written request of the subject Property from Residential to Commercial in the proper manner; and
- WHEREAS: The rezoning of the subject property requires an amendment to the Comprehensive Plan Map to change the classification of the subject Property from Residential to Commercial, and an amendment of the Zoning Map to rezone the subject property from Residential 1 to Commercial 1; both set forth and shown in Exhibit "A" attached hereto; And
- WHEREAS: The proposal has been found consistent with all applicable Statewide Planning Goals, Comprehensive Plan Policies, Code requirements, Statute and Administrative Rule as set forth in Exhibit "A" attached Hereto;

NOW THEREFORE, THE CITY OF MONUMENT ORDAINS AS FOLLOWS:

1. Comprehensive Plan Amendment. The City of Monument Comprehensive Plan Map is hereby amended to change the classification of the subject property from Residential to Commercial as set forth in Exhibit "A" attached hereto.
2. Zoning Map Amendment. The City of Monument Zoning Map is hereby Amended to change the zone of the subject property and that subject property is Thereby rezoned from City Residential 1 (R1) to City Commercial (C-1) as set Forth in Exhibit "A" attached hereto.
3. Emergency. This Ordinance being necessary for the immediate preservation Of the public welfare, an emergency is declared to exist and this ordinance takes Effect on its passage.
4. Record. The City Recorder shall submit to the record of this matter, Local File #2008-001, a copy of this Ordinance signed by the Mayor and City Recorder and shall cause this record to be preserved as Required by State Law.

PASSED AND ADOPTED by the Common Council of the City of Monument this 13 day of January, 2009 by the following vote:

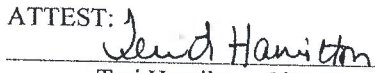
AYES: 6

NAYS: 0

ABSENT: 1

APPROVED by the Mayor this 13 day of January, 2009.


Lois Groves~Mayor

ATTEST: 
Teri Hamilton~City Recorder

Revised

CITY OF MONUMENT

P.O. Box 426
Monument, OR 97864
Phone & Fax (541) 934 2025
E-Mail cityofmonument@centurytel.net

**CITY OF MONUMENT CITY COUNCIL
NOTICE OF DECISION**

DATE OF NOTICE: December 19, 2008 **File #:** 2008-Local File # 001
DATE OF DECISION: December 16, 2008
APPLICANT: Jerry Boyer
Monument, OR 97864
PROPERTY OWNER: Jerry Boyer
Monument, OR 97864

DECISION ON ACTION 2008-LOCAL FILE # 001: Approval of a proposed action by the City of Monument for **Comprehensive Plan Amendment and Rezone**, of 287 Third Street. The subject property is NE of HWY 402, South of North Street, and West of Third Street. This approval results in the Rezone of 287 Third Street from a residential zone to a commercial zone. This action also amended the City's Comprehensive Land Use Plan Map to change the classification of the subject property from residentially to commercially zoned land. The applicant and property owner is Jerry Boyer.

Dear Participant or Affected Agency:

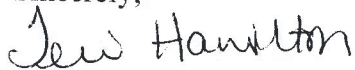
City of Monument records indicate that you were either a participant, or an Agency with an interest in the land use hearing related to the above reference matter and are therefore entitled to notice of this decision.

The City of Monument had scheduled this matter for hearing on December 9, 2008; however, due to a lack of quorum the City Council continued the matter to a date, time and place certain, and therefore heard the above referenced request at its regularly scheduled/Public Hearing meeting on December 16, 2008, approving the matter. This action is an appealable decision. The Monument Municipal Code requires appeal of a City Council Decision to go directly to the Oregon Land use Board of Appeals (LUBA). ORS 197.830 provides for appeal to the Land Use Board of Appeals (LUBA). Such appeal must be initiated by filing a "Notice of Intent" to appeal a decision within twenty-one (21) days after the date the decision becomes final at the local level; in this case, the notice of decision shall serve as the initiating date. The Notice of Intent to appeal must be filed with LUBA by contacting its office at 550 Capitol Street NO, Suite 235, Salem, OR

97301-2552; Telephone # (503) 373-1265. The beginning date for the 21-day appeal period is the date of this "Notice of Decision", December 19, 2008.

If you have any questions regarding this Notice of Decision or wish to request a copy of the City Council decision, or any other documents related to this matter, please contact Teri Hamilton at the Monument City Hall at P.O. Box 426, Monument, OR 97864; Telephone (541) 934-2025. The record of this decision is available for review at the given address for City Hall; if you so desire, copies of the record may be obtained at a reasonable cost.

Sincerely,

A handwritten signature in cursive script that reads "Teri Hamilton".

Teri Hamilton
City Recorder

**BEFORE THE CITY COUNCIL
CITY OF MONUMENT, OREGON**

In the matter of Land Use Action #2008-Local File # 001)	FINAL ORDER
An amendment to the City of Monument Comprehensive Plan)	And Findings of
In response to a Post Acknowledgement Plan Amendment from the)		Fact
State of Oregon, as filed by Jerry Boyer.)	

ORDER in the **APPROVAL** of Land Use Action **2008-Local File # 001**, filed by the City of Monument to amend the City's Comprehensive Plan Map and zoning map by changing the zoning at 287 Third Street from a residential zone to a commercial zone.

WHEREAS:

This matter came before the Monument City Council as an application for amendment of the Monument Comprehensive Plan Map and Zoning Map in accordance with the City of Monument's Municipal Code, Oregon Revised Statute and Oregon Administrative Rule provisions for a Post Acknowledgement Comprehensive Plan Map and Zoning Map Amendment. The application sought approval for an amendment of the Comprehensive Plan Map and Zoning Map through an application submitted by Mr. Jerry Boyer.

Hearings were held before the City Council on December 16, 2008, as matters duly set upon the agendas of its specialized meeting after giving the required Measure # 56 notice to all property owners.

At the public hearing on said application evidence and testimony in the form of oral testimony was solicited by the Council. The hearings were conducted according to the rules of procedure and conduct of hearings on land use matters, as set forth in the Monument Municipal Code and in Oregon Administrative Rule.

At the conclusion of the December 16, 2008, public hearing, the City Council, upon a motion duly made and seconded, voted to approve the request as set forth above and proposed in the Application # 2008-Local File # 001 based on decision criteria, findings of fact and conclusions of law as set forth in his order and in Exhibit 1 attached hereto and included herein by this reference. At the January 13, 2009, Regular City Council meeting, did also adopt Ordinance # 2008-A on the first reading.

FINDINGS OF FACT:

- 1) 287 Third Street is surrounded on most sides by commercially zoned property.
- 2) The city has enough remaining residentially zoned property.
- 3) The proposal will not significantly affect transportation facilities.
- 4) The proposal is allowed by the City of Monument's Comprehensive Plan, Zoning Ordinance and applicable State Law if all decision criteria and standards are met, and the Council determines that those are met.

CONCLUSION OF LAW


1. The burden of proof is upon the applicant in proving the proposal fully complies with applicable Code criteria, Oregon State Statutes and Oregon Administrative Rules.
2. The City Council finds that Exhibit 1, and exhibits attached thereto, and evidence and testimony presented at the hearings, address relevant comprehensive plan policies, standards of Municipal Code, Statewide Planning Goals, Oregon Revised Statute and Oregon Administrative Rules sufficiently to support the burden of proof needed to approve the proposed amendment.

NOW THEREFORE LET IT HEREBY BE ORDERED that application # 2008-Local File # 001, for amendment of Comprehensive Plan Map and Zoning Map, filed by the City of Monument, be **APPROVED**:

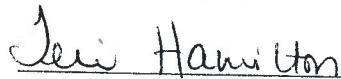
Based upon the above, the City of Monument City Council has concluded that Application #2008-Local File #001, meets the standards set forth in the applicable Statewide Planning Goals, Statute, Administrative Rule, Monument Municipal Code, and Monument Comprehensive Plan, and therefore complies with the purpose of the Code.

This order in **APPROVAL** of Application # 2008-Local File #001 reviewed and approved by the City Council on this 16th day of December, 2008.

FOR THE CITY OF MONUMENT:



Mayor-Lois Groves



City Recorder-Teri Hamilton



LEGEND:

--- CITY LIMITS LINE
 - - - - - URBAN GROWTH BOUNDARY

CITY OF MONUMENT COMPREHENSIVE PLAN & ZONING MAP

IN SECTION 1, TOWNSHIP 9 S., RANGE 27 E., W.M.

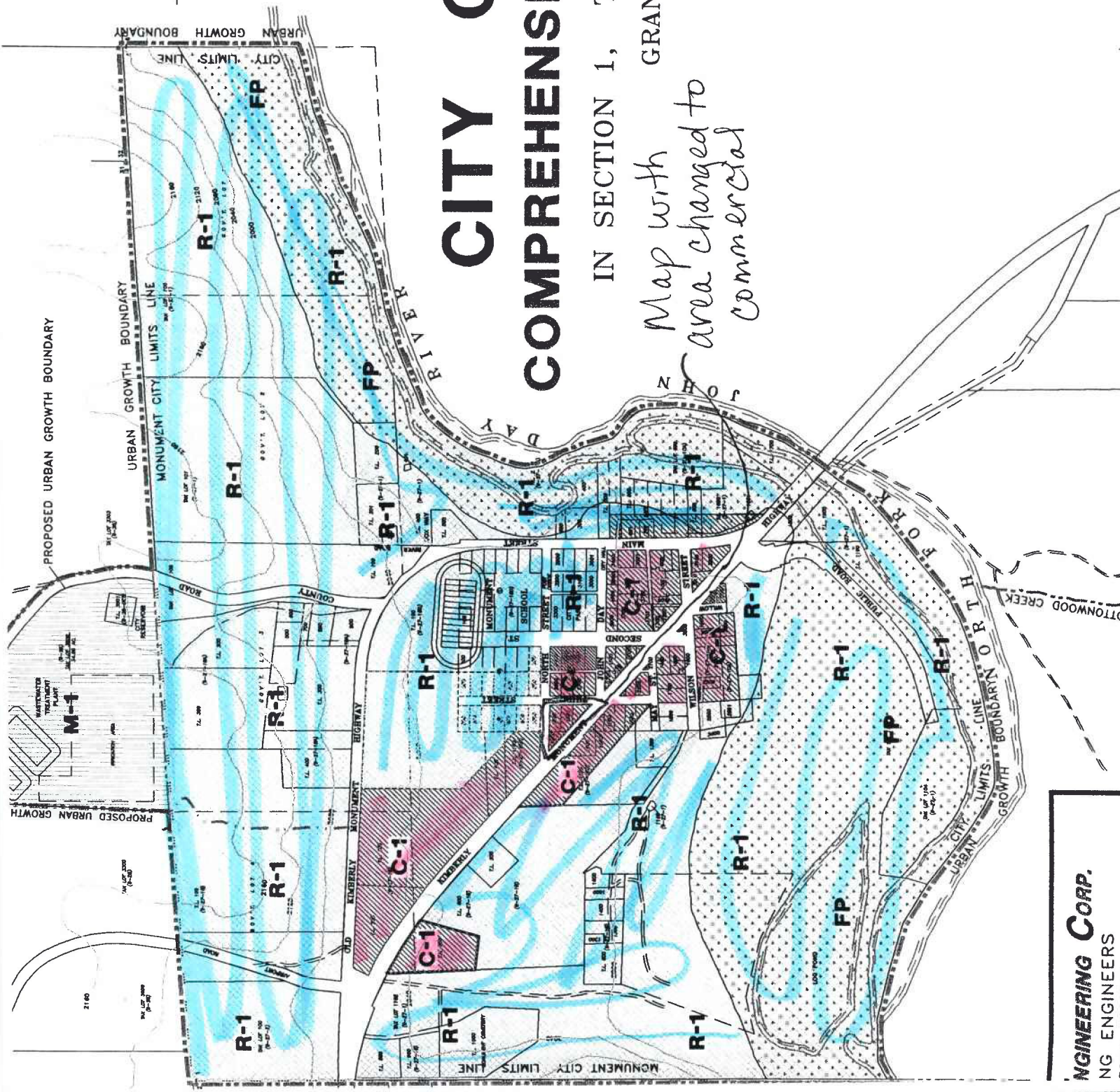
GRANT COUNTY, OREGON

MAY 14, 2001

Map with area changed to commercial

ZONING LEGEND:

	R-1 SINGLE FAMILY RESIDENTIAL
	C-1 COMMERCIAL
	M-1 INDUSTRIAL
	FP FLOOD PLAIN



ENGINEERING CORP.
 NG ENGINEERS
 COIN STREET

CITY OF MONUMENT
P.O. BOX 426
MONUMENT, OR 97864



Attention: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540