



Oregon

Theodore R. Kubongski, 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

12/23/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Philomath Plan Amendment
DLCD File Number 003-09

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: Tuesday, January 05, 2010

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 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: Jim Minard, City of Philomath
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA

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

(See reverse side for submittal requirements)

DEPT OF

DEC 16 2009

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: CITY OF PHILOMATH Local File No.: PC 09-02
(If no number, use none)

Date of Adoption: 12-14-09 Date Mailed: 12-15-09
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8-25-09

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."

AMEND PLAN AND ZONING FROM INDUSTRIAL TO
COMMERCIAL

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."

NA

Plan Map Changed from : INDUSTRIAL to COMMERCIAL

Zone Map Changed from: LIGHT INDUSTRIAL to GENERAL COMMERCIAL

Location: 140 S 8th Acres Involved: 0.30

Specify Density: Previous: NA New: _____

Applicable Statewide Planning Goals: 1, 2, 10

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 003-09 (17787) [15904]

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: NONE

Local Contact: Jim Mingo Area Code + Phone Number: (541) 929-6148
Address: P.O. Box 400
City: Philomath Zip Code+4: 97370

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.

**CITY OF PHILOMATH
ORDINANCE NO. 759**

AN ORDINANCE AMENDING THE PHILOMATH COMPREHENSIVE PLAN MAP AND AMENDING THE PHILOMATH ZONING MAP TO CHANGE THE DESIGNATION FOR PROPERTY DESCRIBED AS LOT 114, BLOCK 25, IN THE CITY OF PHILOMATH, AND MODIFYING ORDINANCE #720.

WHEREAS, the owners of those certain properties identified as Lot 114, Block 25, in the City of Philomath, within the City of Philomath have proposed to change the Comprehensive Plan designation for their properties from Industrial to Commercial and the zoning from Light Industrial to General Commercial; and

WHEREAS, Ordinance #720 adopted and approved the Philomath Comprehensive Plan Map and the Philomath Zoning Map; and

WHEREAS, the Planning Commission of the City of Philomath held a duly noticed public hearing and recommended that the City Council approve the proposed Comprehensive Plan and zone change; and

WHEREAS, the City Council of the City of Philomath held a duly noticed public hearing on the proposed Comprehensive Plan and zone change; and

WHEREAS, following the public hearing, the City Council deliberated and found that the proposed changes met the required criteria and approved the proposed changes; now therefore:

THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1: The City of Philomath Comprehensive Plan Map, adopted through Ordinance #720, as amended, shall be amended so that the property designated as Lot 114, Block 25, in the City of Philomath, currently designated as "Industrial" will be designated as "Commercial".

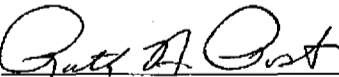
Section 2: The City of Philomath Zoning Map, adopted through Ordinance #720, as amended, shall be amended so that the properties designated as Lot 114, Block 25, in the City of Philomath, currently zoned "Light Industrial" will be zoned as "General Commercial".

Section 3: The Planning Official shall make such changes to the City of Philomath Comprehensive Plan Map and the City of Philomath Zoning Map as are required to implement this amending ordinance.

PASSED by the Council this 14th day of December 2009.

APPROVED by the Mayor this 14th day of December 2009.

SIGNED: 
Ken Schaudt, Mayor

ATTEST: 
Ruth Post, MMC, City Recorder

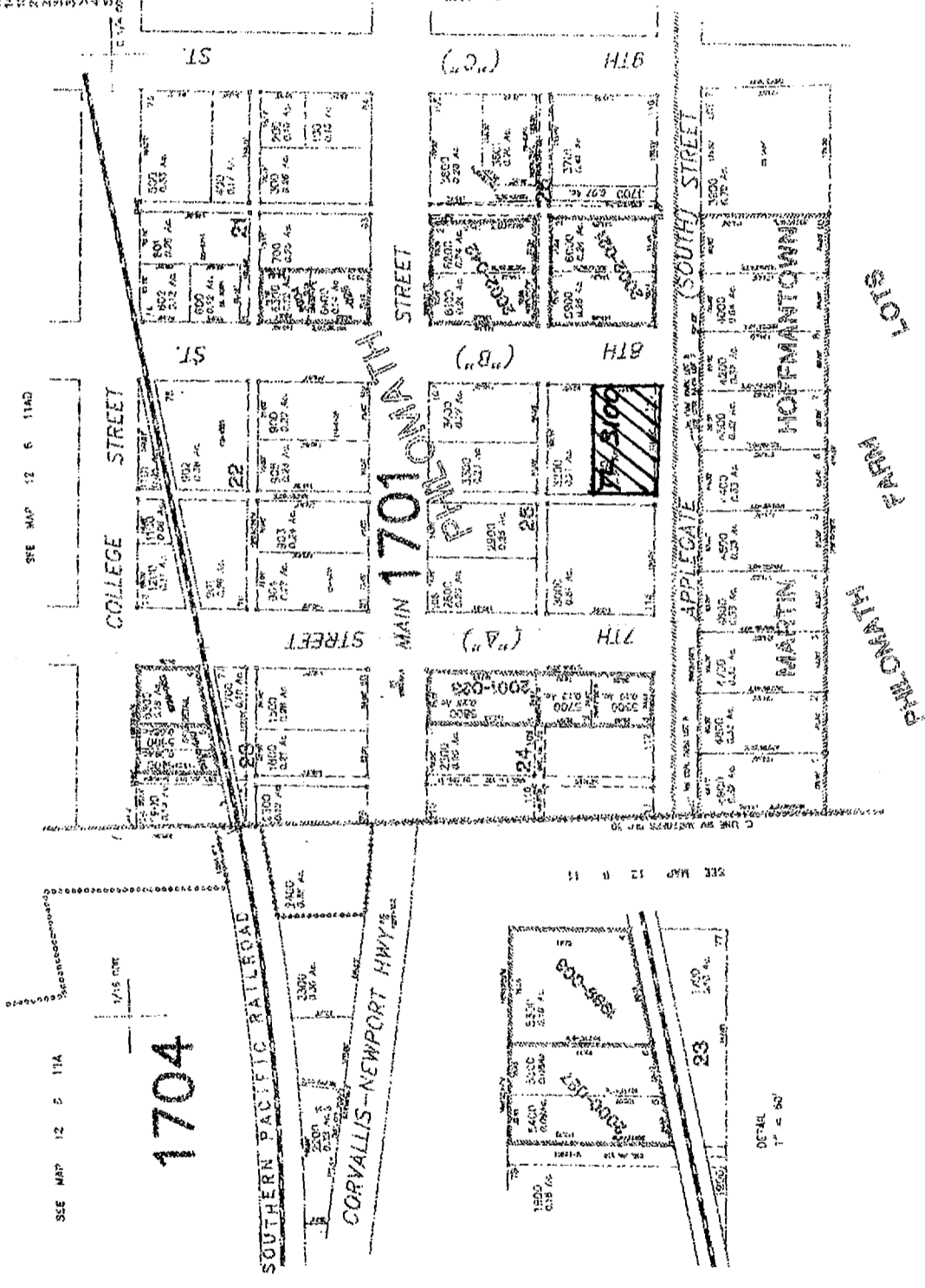
12 6 11DA
PHILOMATH

NE 1/4 SEC. 11 T. 2S. R. 6W. W.M.
BENTON COUNTY

USE MAP WAS PREPARED FOR
INSTRUMENT PURPOSE USE

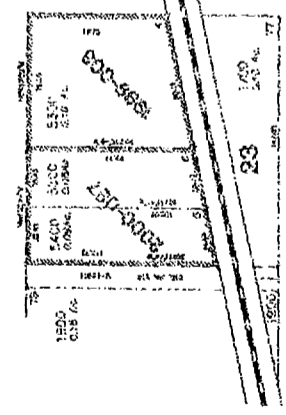
SEE MAP 12 6 11A
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2000 THRU 2100
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2200
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2400 THRU 2500

SEE MAP 12 6 11AD
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1500
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2000 THRU 2100
2100
2200
2300
2400 THRU 2500



SEE MAP 12 6 11A

1704



DETAIL
1" = 50'

SEE MAP 12 6 11

SEE MAP 12 6 11

SEE MAP 12 6 12C

12 6 11DA
PHILOMATH

CITY OF PHILOMATH
PLANNING DEPARTMENT
P. O. BOX 400
PHILOMATH, OR 97370-0400

Road Amendment Specialist

DEED

635 CAPITOL ST NE Suite 150

SALEM OR 97301-2570

