



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

7/7/2010

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 003-10

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, July 20, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jim Minard, City of Philomath  
Gloria Gardiner, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner  
Thomas Hogue, DLCD Regional Representative

<paa> YA

D L C D 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

DEPT OF

(See reverse side for submittal requirements)

JUN 30 2010

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF PHILOMATH Local File No.: PC10-03 (If no number, use none)

Date of Adoption: JUNE 14, 2010 (Must be filled in) Date Mailed: JUNE 29, 2010 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4-20-2010

- Comprehensive Plan Text Amendment [ ] Comprehensive Plan Map Amendment [X]
Land Use Regulation Amendment [ ] Zoning Map Amendment [X]
New Land Use Regulation [ ] Other: [ ]
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

CHANGE ZONING AND COMP PLAN 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."

SAME

Plan Map Changed from: INDUSTRIAL to COMMERCIAL

Zone Map Changed from: LIGHT INDUSTRIAL to GENERAL COMMERCIAL

Location: 1112 Applegate Acres Involved: 0.35

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1, 2

Was an Exception Adopted? Yes: [ ] No: [X]

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: DLCD, ODOT

Local Contact: Jim Minard Area Code + Phone Number: (541) 929-6148

Address: P.O. Box 400

City: PHILOMATH Zip Code+4: 97377

### 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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**CITY OF PHILOMATH  
ORDINANCE NO. 762**

**AN ORDINANCE AMENDING THE PHILOMATH COMPREHENSIVE PLAN MAP AND AMENDING THE PHILOMATH ZONING MAP TO CHANGE THE DESIGNATION FOR PROPERTY DESCRIBED IN BENTON COUNTY SURVEY #10408 AS TAX LOT 4101 (M-380144-05), IN THE CITY OF PHILOMATH, AND MODIFYING ORDINANCE #720.**

**WHEREAS**, the owners of those certain properties identified in Benton County Survey #10408 as Tax Lot 4101 (M-380144-05), 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 in Benton County Survey #10408 as Tax Lot 4101 (M-380144-05), 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 in Benton County Survey #10408 as Tax Lot 4101 (M-380144-05), 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 June 2010.

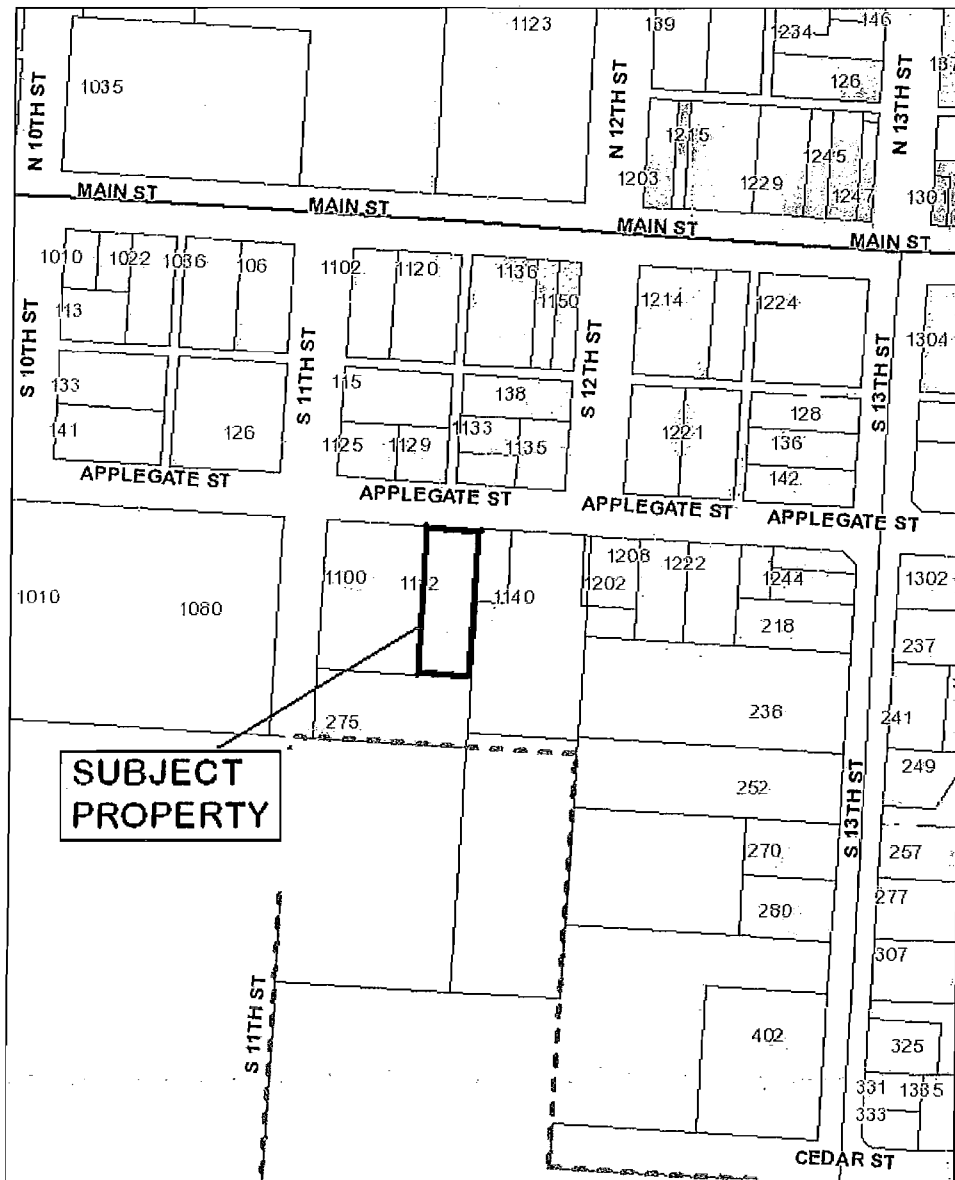
APPROVED by the Mayor this 14th day of June 2010.

SIGNED:

  
Ken Schaudt, Mayor

ATTEST:

  
Ruth Post, MMC, City Recorder



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

CITY OF PHILOMATH  
PLANNING DEPARTMENT  
PO BOX 400  
PHILOMATH OR 97370-0400

SALEM OR 973

29 JUN 2010 PM 2 L



Plan Amendment Specialist

D. LCD

635 Capitol St NE, Ste 150

Salem OR 97301-2540

9730192540

