



Oregon

Theodore R. Kulongoski, 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

November 14, 2008

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 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: November 28, 2008

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
Steve Oulman, DLCD Regional Representative
Mark Fancey, City of Monmouth

<paa> ya/

NOTICE OF ADOPTION

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

Jurisdiction: City of Monmouth Local File Number: LA 08-03
Date of Adoption: November 4, 2008 Date Mailed: November 6, 2008
Date Proposal was Provided to DLCD: July 10, 2008

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."

The amendments to the Monmouth Zoning Ordinance would: limit keeping livestock in residential zones consistent with existing limitations in the Monmouth Municipal Code; revise standards for loading zones; and allow bed and breakfast inns and vacation homes as conditional uses in residential zones. The amendments would also provide standards in the Monmouth Sign Code for home occupations and child care facilities in residential zones.

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: NA to _____

Zone Map Changed from: NA to _____

Location: NA

Acres Involved: NA

Specify Density: Previous: NA New: _____

Applicable Statewide Planning Goals: 1,2

Was an Exception Adopted? Yes: _____ No: X

DLCD File Number: 001-08 (17010)

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: _____

Local Contact: _____ 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 ½ 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 Amending the Monmouth)
Zoning and Development Ordinance and)
Sign Code)

ORDINANCE NO. 1267

WHEREAS, the City of Monmouth has deemed it necessary to develop amendments to the Monmouth Zoning and Development Ordinance and Sign Code; and

WHEREAS, the Planning Commission held a public hearing on said amendments on September 3, 2008, at which time the public was given full opportunity to be present and heard on the matter; and

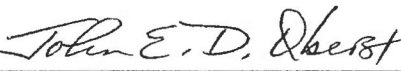
WHEREAS, the City Council held a public hearing on said amendments on October 7, 2008, at which time the public was given full opportunity to be present and heard on the matter.
NOW, THEREFORE,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Monmouth does hereby amend the Monmouth Zoning and Development Ordinance as set forth in Exhibit A.

Read for the first time: October 21, 2008
Read for the second time: November 4, 2008
Adopted by the City Council: November 4, 2008
Approved by the Mayor: November 4, 2008

ATTEST:



John E. D. Oberst, Mayor

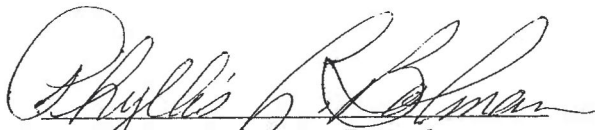

Phyllis L. Bolman, City Recorder

Exhibit A

Amendments to the Monmouth Zoning and Development Ordinance and Sign Code

Proposed new language is shown **bold and underlined**. Language proposed for deletion is shown struck-through.

Proposed amendments to Section 96.905 – Definitions regarding Bed and Breakfast facilities:

~~Bed and Breakfast Facility. Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that:~~

- ~~A. Has more than two (2) rooms for rent on a daily basis to the public; and~~
- ~~B. Offers a breakfast meal as part of the cost of the room.~~

Bed and Breakfast Facility. Bed and Breakfast Facility is an accessory use, located in a single-family dwelling or historic landmark building where guests are lodged for sleeping purposes and a morning meal is provided only to guests for compensation. A Bed and Breakfast facility can contain up to 5 rooms for rent on a daily basis and have a maximum of 10 guests and shall be owner or lessee occupied. The primary use of the residence must remain as a single-family dwelling and the building shall retain the characteristics of a single-family dwelling. A Bed and Breakfast Facility shall be clearly incidental, accessory and subordinate to residential use. The use shall be conducted entirely within the single family dwelling and shall not take an outward appearance nor manifest any characteristic of a business, except for allowed signage.

Bed and Breakfast Facilities do not include motels, health or limited care facilities, boarding houses, group quarters, hostels or rescue missions. The maximum length of stay for guests is 15 consecutive nights. Signs shall be limited to an area of two square feet. Parking shall be provided as specified in Chapter 96.

Proposed amendments to the Low Density Residential Zone regarding livestock:

91.015 Permitted Uses. Within any RS Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

- A. Single-family dwelling;
- B. Playground, garden or park;

C. Garden, orchard, or crop cultivation ~~provided that no stable or barn, and no more than three (3) hens or ducks are maintained in connection therewith.~~ Maintaining cattle, horses, poultry or livestock is not permitted. The occasional sale or trading of plants and produce grown on the premises shall be permitted.

Proposed amendments to the Medium Density Residential Zone regarding livestock:

91.115 Permitted Uses. Within any RM Zone, no structure shall be used, constructed, altered and no lot, tract, or parcel of land shall be used or occupied for any purposes except the following:

- A. Two-family dwelling (duplex);
- B. Medium density residential structure such as a townhouse, row houses, provided that the aggregate number of dwellings in the structure does not exceed six (6);
- C. Playground, garden, or park;
- D. Garden, orchard, or crop cultivation ~~provided that no stable or barn, and no more than three (3) hens or ducks are maintained in connection therewith.~~ Maintaining cattle, horses, poultry or livestock is not permitted. The occasional sale or trading of plants and produce grown on the premises shall be permitted.

Proposed amendments to the High Density Residential Zone regarding livestock:

91.215 Permitted Uses. Within any RH Zone, no structure shall be used, constructed, erected, or altered, and no lot shall be used or occupied for any purposes except the following:

- A. Multi-family buildings, including apartment houses, court apartments, and garden apartments;
- B. Medium density residential structure such as a townhouse or row house;
- C. Two-family dwelling (duplex);
- D. Dwelling, quad or quint;
- E. Playground or park;
- F. Garden, orchard, or crop cultivation ~~provided that no stable or barn, and no more than three (3) hens or ducks are maintained in connection therewith.~~ Maintaining cattle, horses, poultry or livestock is not permitted. The occasional sale or trading of plants and produce grown on the premises shall be permitted.

Proposed amendments to Section 96.015 regarding loading spaces:

96.015 Loading Space.

- A. Any building constructed, enlarged, altered, or subject to a change of use in order to accommodate a commercial activity shall establish and maintain one or more loading

spaces for commercial vehicles in accordance with the provisions of Sections 96.005 to 96.030.

B. Each required loading space shall have a minimum width of ~~ten (10)~~ **12** feet.

C. Each required loading space shall have a minimum length of ~~22~~ **30** feet.

D. **Each required loading space shall have a minimum height of 14 feet.**

~~D~~ **E.** Each required loading space shall have access to a street or alley.

~~E~~ **F.** Each required loading space shall have a surface of asphaltic concrete or Portland cement concrete.

~~F~~ **G.** Number of loading spaces required:

1. ~~Each commercial building having a gross floor area of 4,000 square feet or less shall have at least one loading space.~~

Commercial office buildings:

1. **Up to 30,000 square feet of gross floor area = 0 spaces**
2. **More than 30,000 square feet to 100,000 square feet of gross floor area = 1 space**
3. **More than 100,000 square feet of gross floor area = 2 spaces**

2. ~~Each commercial building having a gross floor area greater than 4,000 square feet shall have at least two (2) loading spaces.~~

All other commercial or industrial buildings:

1. **Up to 5,000 square feet of gross floor area = 0 spaces**
2. **More than 5,000 square feet to 30,000 square feet of gross floor area = 1 space**
3. **More than 30,000 square feet to 100,000 square feet of gross floor area = 2 spaces**
4. **More than 100,000 square feet of gross floor area = 3 spaces**

G. In the Main Street District, contiguous properties may share a common loading space.

Proposed amendments to Low Density Residential regarding bed and breakfast facilities:

91.020 Conditional Uses. If authorized under the procedures provided for conditional uses in this ordinance, the following uses will be permitted in an RS Zone:

- A. Two-family dwelling (duplex) on a corner lot provided that such a lot has an area of at least 8,000 square feet;
- B. Church and other religious assemblies and institutions;
- C. Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a non-profit community club for the improvement of the neighborhood or recreation of the members;
- D. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;
- E. Planned unit development, in accordance with the provisions of Sections 97.505 to 97.635;
- F. School (elementary, middle school, high school);

G. Bed and Breakfast facilities.

Proposed amendments to the Medium Density Residential Zone regarding bed and breakfast facilities:

91.120 Conditional Uses. If authorized under the procedures provided for conditional uses in this Ordinance, the following uses will be permitted in an RM Zone:

- A. Medium density residential structure, having more than six (6) dwelling units within a single building;
- B. Dwelling, quad or quint;
- C. Manufactured Dwelling Park, in accordance with the provision of Sections 97.705 to 97.750;
- D. Church and other religious assembly and institution;
- E. Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a non-profit community club for the improvement of the neighborhood or the recreation of the members;
- F. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;
- G. Planned Unit development, in accordance with the provisions of Sections 97.505 to 97.635;
- H. School (elementary, middle school, senior high)

- I. Boarding House, provided that the total number of boarders does not exceed three (3)
- J. Rooming House, provided that the total number of roomers does not exceed three (3)
- K. Private or public parking area when used in conjunction with a commercial, office or industrial use on an adjacent lot provided said parking area is located within 300 feet of the main building, structure or use.
- L. Single-family dwelling.
- M. Manufactured home which meets the requirements of Section 97.750.

N. Bed and Breakfast facilities.

Proposed amendments to the High Density Residential Zone regarding bed and breakfast facilities:

91.220 Conditional Uses. If authorized under the procedures provided for conditional uses in this ordinance, the following uses will be permitted in an RH Zone:

- A. Manufactured dwelling park, in accordance with the provisions of Sections 97.705 to 97.750;
- B. Church and other religious assembly and institution;
- C. Community or neighborhood club building, swimming pool and other allied facilities owned and operated by a non-profit community club for the improvement of the neighborhood or the recreation of the members;
- D. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;
- E. Planned unit development, in accordance with the provisions of Sections 97.505 to 97.635;
- F. School (elementary, middle school, and senior high)
- G. Private or public parking area when used in conjunction with a commercial office or industrial use on an adjacent lot provided said parking area is located within 300 feet of the main building, structure or use.
- H. Single-family dwelling.
- I. Manufactured home which meets the requirements of Section 97.750.

J. Bed and Breakfast facilities.

Proposed amendments to Section 96.010 regarding the required number of parking spaces for Bed and Breakfast facilities:

Bed and Breakfast Facilities - Two offstreet parking spaces shall be provided for the owner or lessee living on the premises and one offstreet parking space shall be provided per guest room. The Planning Commission may allow guest room parking to be provided on public street frontage abutting the dwelling to be used as a Bed and Breakfast facility, if practicable. Offstreet parking may also be provided on a parking lot or parcel located within 300 feet of the dwelling to be used as a Bed and Breakfast facility.

Proposed amendments to Section 81.070 of the Monmouth Sign Code regarding signs in residential zones:

81.070 Signs in Residential Zones.

- A. Neighborhood identification signs. One neighborhood identification sign not exceeding six (6) square feet with lettering not over nine (9) inches in height, located not over three (3) feet above grade at each entry point to a subdivision. Such signs must meet vision clearance requirements when placed at an intersection. See Appendix B.
- B. Home occupations and child care facilities. One wall sign not exceeding two (2) square feet in area. Projecting, free standing or other types of signs are not permitted.
- C. Conditional Uses. Land Uses authorized by a Conditional Use land use approval are permitted one free-standing sign not exceeding five (5) feet in height nor fifteen (15) square feet in area, set back at least ten (10) feet from the property lines; or one (1) wall sign in lieu of a free-standing sign, provided the sign is approved in conjunction with the issuance of the Conditional Use.
- €D. Internally illuminated signs are not permitted, except within the MX and MSD zones.

MONMOUTH
ST MAIN STREET
OUTH, OR 97361

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



UNITED STATES POSTAGE
METRY BOOKS
02 1P
\$01.34⁰
0002354370 100V01 2004
EPA/ET 11/11/03 100V01 100V01 100V01