



Oregon

Theodore R. Kubongoski, 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

11/12/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Monmouth Plan Amendment
DLCD File Number 002-10

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: Friday, November 26, 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: Mark Fancey, City of Monmouth
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA

NOV 05 2010

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

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

Jurisdiction: City of Monmouth

Local File Number: LA 10-04

Date of Adoption: November 2, 2010

Date Mailed: November 4, 2010

Date Proposal was Provided to DLCD: February 18, 2010

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 amendment would correct zoning and Comprehensive Plan Map designation for a number of properties. Current zoning and Plan Map designations do not match the uses established on these properties. The properties are shown in the attached table and maps.

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."

Several properties included in the original proposal were not included in the adopted amendment..

Plan Map Changed from: see attached to see attached

Zone Map Changed from: see attached to see attached

Location: see attached

Acres Involved: 1.71

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1,2

Was an Exception Adopted? Yes: No:

DLCD File Number: 002-10 (18128) [16394]

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: Mark Fancey Area Code + Phone Number: (503) 751-0147
Address: 151 Main Street W
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** 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.

Legislative Amendment 10-04

Assessor Map/Tax Lot	Size (acres)	Address	Land Use	Current Comprehensive Plan Map Designation & Zoning	Proposed Comprehensive Plan Map Designation & Zoning
8430BC/3600, 3700, 3800, 4001, 4100, 4102, 4104, 4201, 4202, 4301 & 4400	0.94	100 block of Main Street E.	East side of Main Street Park, including the WIMPEG house	Commercial & Main Street District (MSD)	Public & Public Service (PS)
8430BD/3701 & 3704	0.46	289, 291, 293 Pacific Avenue S.	Insurance office & auto repair	Medium Density Residential & Medium Density Residential (RM)	Commercial & Commercial Highway (CH)
8525AD/2500	0.31	191 Monmouth Avenue N.	Church	Public & Public Service (PS)	Commercial & Main Street District (MSD)

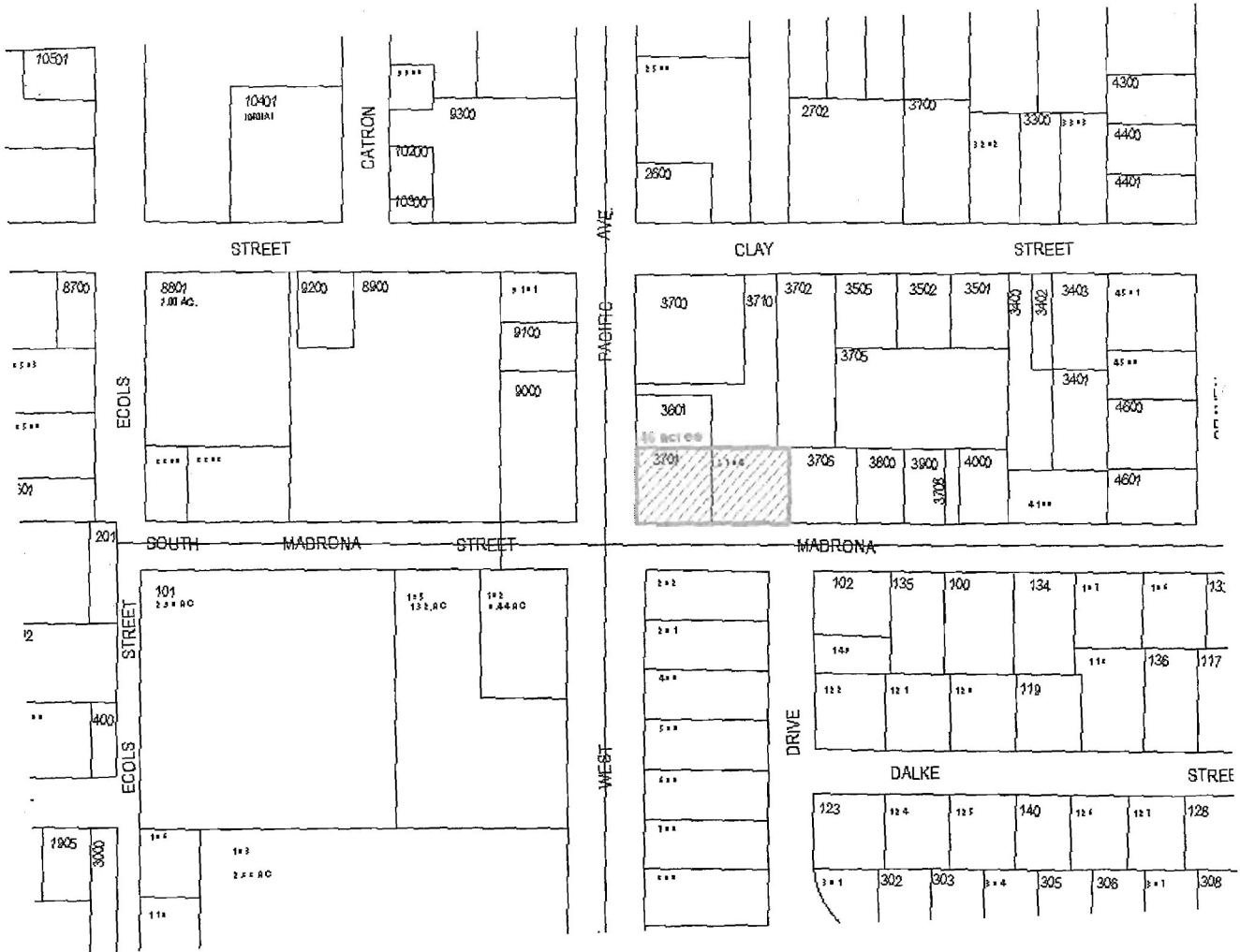
Assessor Map 8430BC, Tax Lots 3600, 3700, 3800, 4001, 4100, 4102, 4104, 4201, 4202, 4301, 4400 – Eastern portion of Main Street Park

These properties are approximately 0.94 acres in size. The Comprehensive Plan Map designation for the property is Commercial and the property is zoned Main Street District. The proposed Comprehensive Plan Map designation is Public and the proposed zoning is Public Service (PS).



Assessor Map 8430BD, Tax Lots 3701 & 3704 - 289, 291, & 293 Pacific Avenue S. (Highway 99W)

- These properties are approximately 0.46 acres in size and developed with an office and auto repair shop. The Comprehensive Plan Map designation for the properties is Medium Density Residential and the properties are zoned Medium Density Residential (RM). The proposed Comprehensive Plan Map designation is Commercial and the proposed zoning is Commercial Highway (CH).



Assessor Map 8525AD, Tax Lot 2500 - 191 Monmouth Avenue N. - This property is approximately 0.31 acres in size and is developed with a church. The Comprehensive Plan Map designation for the property is Public and the property is zoned Public Service (PS). Churches are not a permitted use in this zone. The proposed Comprehensive Plan Map designation is Commercial and the proposed zoning is Main Street District (MSD).



CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending the Monmouth)
Comprehensive Plan Map and Zoning)
Map)

ORDINANCE NO. 1286

WHEREAS, the City of Monmouth has deemed it necessary to develop amendments to the Monmouth Comprehensive Plan Map and Zoning Map; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Comprehensive Plan amendments not less than 45 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Planning Commission held a public hearing on said amendments on September 15, 2010, 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 5, 2010, at which time the public was given full opportunity to be present and heard on the matter; and

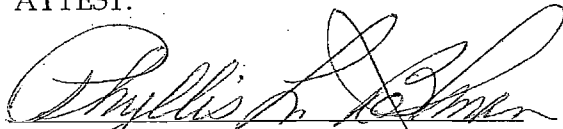
WHEREAS, the City Council found and hereby finds that the proposed amendments to the Monmouth Comprehensive Plan conform to applicable Statewide Planning Goals, and it is in the public interest to adopt them; NOW, THEREFORE,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Monmouth does hereby adopt findings amending the Monmouth Comprehensive Plan Map and Zoning Map as set forth in Exhibit A.

Read for the first time: October 19, 2010
Read for the second time: November 2, 2010
Adopted by the City Council: November 2, 2010
Approved by the Mayor: November 2, 2010

ATTEST:


Phyllis L. Bolman, City Recorder



John E. D. Oberst, Mayor

EXHIBIT A FINDINGS

Legislative Amendment 10-04 amends the Comprehensive Plan Map designation and zoning for several properties. The following table lists the affected properties as well as the amended Comprehensive Plan Map and zoning designations.

Assessor Map/Tax Lot	Size (acres)	Address	Land Use	Current Comprehensive Plan Map Designation & Zoning	Proposed Comprehensive Plan Map Designation & Zoning
8430BC/3600,3700, 3800, 4001, 4100, 4102, 4104, 4201, 4202, 4301 & 4400	0.94	100 block of Main Street E.	East side of Main Street Park, including the WIMPEG house	Commercial & Main Street District (MSD)	Public & Public Service (PS)
8430BD/3701 & 3704	0.46	289, 291, 293 Pacific Avenue S.	Insurance office & auto repair	Medium Density Residential & Medium Density Residential (RM)	Commercial & Commercial Highway (CH)
8525AD/2500	0.31	191 Monmouth Avenue N.	Church	Public & Public Service (PS)	Commercial & Main Street District (MSD)

The applicable standards for Plan Map amendments are found in Section 90.325 of the Monmouth Zoning and Development Ordinance. Findings related to these criteria are included for each property.

90.325 Standards for Zone Changes. No zone change shall be approved by the Planning Commission or enacted by the City Council unless it conforms to the Comprehensive Plan and meets the following standards:

- A. The proposed zone change meets at least one of the following standards:
 1. The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;
 2. Conditions in the neighborhood surrounding the land for which the zone change is initiated have changed to such a degree that the zoning is no longer appropriate, and the zone change would conform to the new conditions of the neighborhood;
 3. There is a public need for land use of the kind for which the zone change is initiated and that public need can best be met by the zone change.
- B. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- C. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area.

Assessor Map 8430BC, Tax Lots 3600, 3700, 3800, 4001, 4100, 4102, 4104, 4201, 4202, 4301, 4400 – Eastern portion of Main Street Park

Findings: These properties are approximately 0.94 acres in size. The Comprehensive Plan Map designation for the property is Commercial and the property is zoned Main Street District. The proposed Comprehensive Plan Map designation is Public and the proposed zoning is Public Service (PS).

Regarding criterion A of Zoning Ordinance sections 90.325 and 90.330, the Zoning Map and Comprehensive Plan Map are in error as the properties are part of Main Street Park. While the current Main Street District zoning allows for public uses, the Public Service zoning designation is applied to all parks in the City's park system. The Public Comprehensive Plan map designation is appropriate given the use of the properties a part of Main Street Park. The proposed Comprehensive Plan Map designation meets Section 90.330 A.1. The proposed zoning meets Section 90.325 A.1.

Regarding criterion B of Zoning Ordinance sections 90.325 and 90.330, the properties have access to Jackson and Knox streets. The properties are fully served with utilities. The proposed Comprehensive Plan Map designation meets Section 90.330 B. The proposed zoning meets Section 90.325 B.

Regarding criterion C of Zoning Ordinance sections 90.325 and 90.330, the subject properties are part of Main Street Park and will be further developed for recreation uses consistent with the Monmouth Parks Master Plan. The proposed Comprehensive Plan Map designation meets Section 90.330 C. The proposed zoning meets Section 90.325 C.

The properties are shown on the map below.



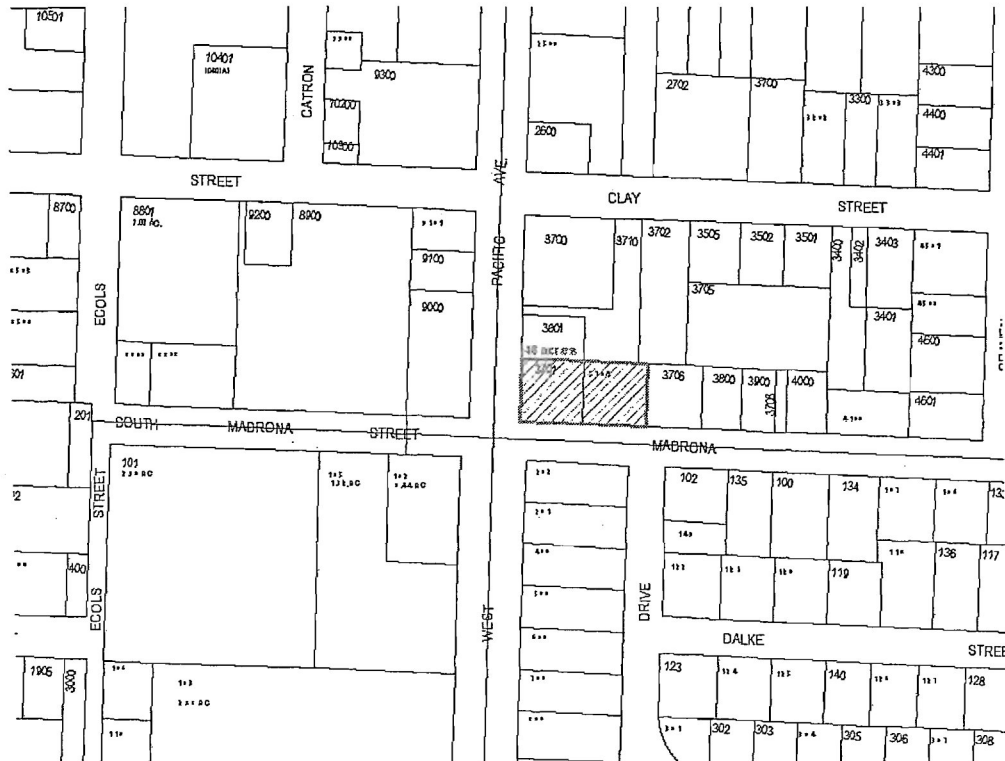
Findings: These properties are approximately 0.46 acres in size and developed with an office, auto repair shop, and a metal fabrication business. The Comprehensive Plan Map designation for the properties is Medium Density Residential and the properties are zoned Medium Density Residential (RM). The proposed Comprehensive Plan Map designation is Commercial and the proposed zoning is Commercial Highway (CH).

Regarding criterion A of Zoning Ordinance sections 90.325 and 90.330, the Zoning Map and Comprehensive Plan Map are in error as the properties have long been used for commercial purposes. The proposed Commercial Comprehensive Plan map designation is appropriate given the use of the properties. The proposed Highway Commercial zoning is consistent with the use of the properties. This zoning designation is applied to commercial properties on Highway 99W. The proposed Comprehensive Plan Map designation meets Section 90.330 A.1. The proposed zoning meets Section 90.325 A.1.

Regarding criterion B of Zoning Ordinance sections 90.325 and 90.330, the properties have access to Highway 99W and Madrona Street. The properties are fully served with utilities. The proposed Comprehensive Plan Map designation meets Section 90.330 B. The proposed zoning meets Section 90.325 B.

Regarding criterion C of Zoning Ordinance sections 90.325 and 90.330, the subject properties have long been used for commercial purposes consistent with other commercial uses on Highway 99W. The proposed Comprehensive Plan Map destination and zoning are appropriate given the location and uses on the properties. The proposed Comprehensive Plan Map designation meets Section 90.330 C. The proposed zoning meets Section 90.325 C.

The properties are shown on the map below.



Assessor Map 8525AD, Tax Lot 2500 - 191 Monmouth Avenue N.

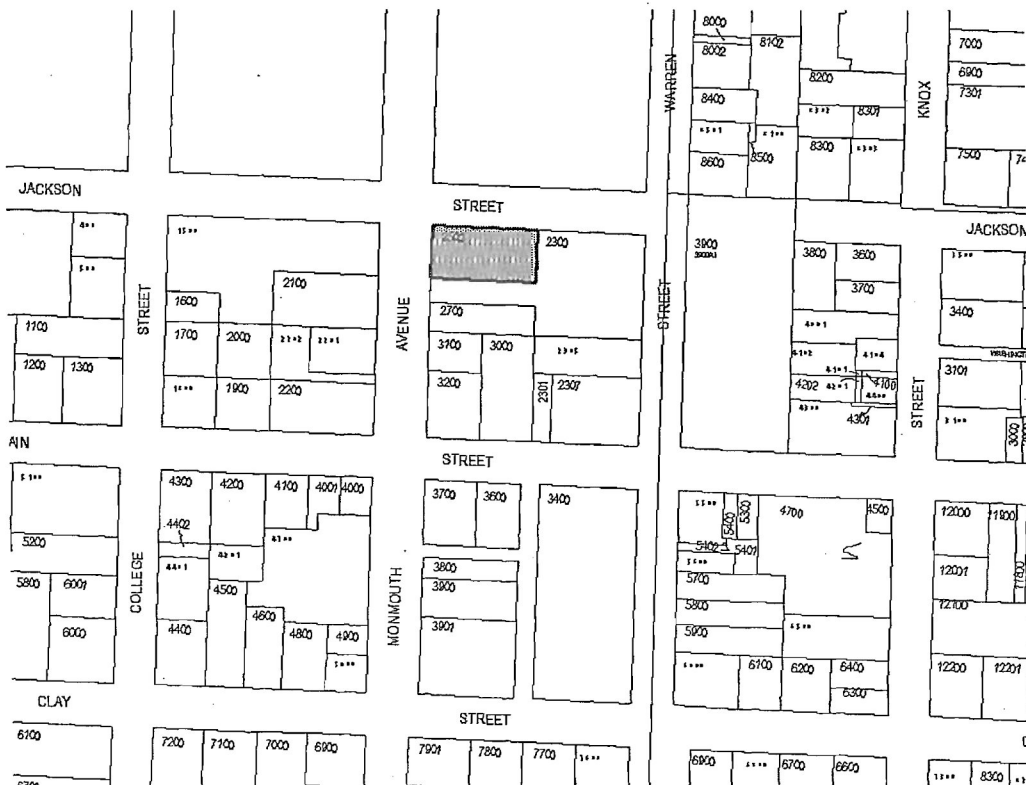
Findings: This property is approximately 0.31 acres in size and is developed with a church. The Comprehensive Plan Map designation for the property is Public and the property is zoned Public Service (PS). Churches are not a permitted use in this zone. The proposed Comprehensive Plan Map designation is Commercial and the proposed zoning is Main Street District (MSD).

Regarding criterion A of Zoning Ordinance sections 90.325 and 90.330, the Zoning Map and Comprehensive Plan Map are in error as the property is privately-owned and used for religious assembly and is not a public use. The proposed Commercial Comprehensive Plan map designation is appropriate given the location of the property in the downtown. The proposed Main Street District zoning is appropriate given the location of the property. This zoning designation allows religious assembly as a conditional use. The proposed Comprehensive Plan Map designation meets Section 90.330 A.1. The proposed zoning meets Section 90.325 A.1.

Regarding criterion B of Zoning Ordinance sections 90.325 and 90.330, the property has access to Monmouth Avenue and Jackson Street. The properties are fully served with utilities. The proposed Comprehensive Plan Map designation meets Section 90.330 B. The proposed zoning meets Section 90.325 B.

Regarding criterion C of Zoning Ordinance sections 90.325 and 90.330, the property has long been used as a church. The proposed Comprehensive Plan Map destination and zoning are appropriate given the location of the property downtown. The proposed Comprehensive Plan Map designation meets Section 90.330 C. The proposed zoning meets Section 90.325 C.

The property is shown on the map below.



CITY OF MONMOUTH
151 WEST MAIN STREET
MONMOUTH, OR 97361



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

DEPT OF
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LAND CONSERVATION
AND DEVELOPMENT