



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 12/08/2014
Jurisdiction: City of Monmouth
Local file no.: LA 14-01
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/05/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

DEC 05 2014

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Monmouth**

Local file number: **LA 14-01**

Date of Adoption: **12/2/2014**

Date Mailed: **12/4/2014**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/9/2014

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".

Legislative Amendment 14-01 includes amendments to the Zoning and Development Ordinance, Transportation System Plan, and Sign Code.

Amendments to the Zoning and Development Ordinance regarding PUD standards, Type 1 land use actions, Main Street District uses, fences, annexations, local street right-of-way width. Amendments to the TSP clarify local street alternative standards. Amendments to the Sign Code add standards for sail signs.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

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

35-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 file No. _____

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

None

Local Contact: **Mark Fancy**

Phone: (503) 751-0147 Extension:

Address: **151 Main Street W.**

Fax Number: **503-838-0725**

City: **Monmouth**

Zip: **97361-**

E-mail Address: **mfancy@ci.monmouth.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Adopting Legislative)
Amendment 14-01 Amending the)
Monmouth Zoning and Development)
Ordinance, Transportation System)
Plan and Sign Code)

ORDINANCE NO. 1352

WHEREAS, the Monmouth Planning Commission considered amendments to the Monmouth Zoning and Development Ordinance, Transportation System Plan, and Sign Code; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Comprehensive Plan amendments not less than 35 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Planning Commission held public hearings on said amendments, proposed as Legislative Amendment 14-01, a copy of which is attached hereto as Exhibit A and incorporated herein, on October 1, 2014 and October 15, 2014, 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 Legislative Amendment 14-01 on October 21, 2014, 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 as set forth in Legislative Amendment 14-01, are in the public interest and that amendments to the Transportation System Plan and Section 96.410 of the Zoning and Development Ordinance are consistent with Oregon Administrative Rules Chapter 660, Division 12; NOW, THEREFORE,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

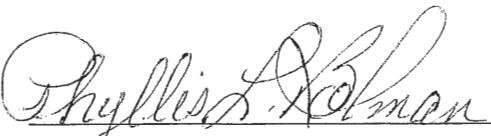
Section 1. The City Council of the City of Monmouth does hereby adopt Legislative Amendment 14-01, as set forth in Exhibit A.

Read for the first time: November 18, 2014
Read for the second time: December 2, 2014
Adopted by the City Council: December 2, 2014
Approved by the Mayor: December 2, 2014

ATTEST:



John E.D. Oberst, Mayor



Phyllis L. Bolman, City Recorder

Exhibit A
Legislative Amendment 14-01

Amendments to the Monmouth Zoning and Development Ordinance, Transportation System Plan, and Sign Code – Chapter 81 of the Monmouth City Code

New language is shown **bold and underlined**. Deletions are shown as ~~struck through~~.

Proposed Amendments to Section 90.210:

90.210 Application for Land Use Actions. Applications for all land use actions as defined in this Ordinance shall be filed with the City Planner. An application shall be submitted in writing on the form provided by the City Planner and shall include the following:

- A. Name, address and telephone number of the applicant;
- B. Name, address and telephone number, and signature of the owner of the record of the subject property;
- C. Name, address and telephone number, and signature of any agent acting on behalf of the applicant;
- D. Township, range, section, and tax lot number of the subject property;
- E. A legal description of the property (for zone change and Comprehensive Plan Map Amendment applications only);
- F. ~~A map showing all properties within the notification area and any other information pertinent to the request~~ **All information specifically required on the application form;**
- G. The fee for the land use action, as determined by order of the City Council;
- H. Other information required by this Ordinance or deemed necessary by the City Planner or Planning Commission.

Proposed Amendments to Section 90.245:

90.245 Appeal of Planning Commission Actions.

A. Appeal. Any land use action or ruling made by the Planning Commission in accordance with the provisions of this Ordinance may be appealed to the City Council. Such an appeal shall be filed, in writing on a form provided by the City, within ~~fifteen (15)~~ **(12)** days of the date of the Planning Commission decision. If no appeal is filed within the time specified the Planning Commission's decision is final.

Proposed Amendments to Section 90.255:

90.255 Site Plan Review.

A. Applicability of Provisions. Site Plan Review shall be applicable to all new developments and major remodeling of existing developments except as provided in Section 90.260 and as follows:

1. Single-family detached dwellings;
2. A duplex; or
3. Any commercial site alteration or building remodel that does not exceed 25 percent of the total square footage of the site or structure.

No building permit shall be issued for any new developments and major remodeling of existing developments except for those listed above unless plans therefore, including plot plan with sidewalk specifications if required, are submitted to the Monmouth Site Plan Review Committee and approved for conformity to the City Zoning and Development Ordinance and the Comprehensive Plan.

B. The Site Plan Review Committee, a committee of the Planning Commission, is hereby established. The Committee shall consist of the Public Works Director, City Planner, one (1) member of the Planning Commission to serve as a regular member of the Committee, and one (1) member of the Planning Commission to serve as an alternate member of the Committee in the absence of the Planning Commission member who is a regular member of the committee. The regular member and alternate member of the Committee, who are members of the Planning Commission, shall be appointed by the chairman of the Planning Commission.

C. Site plans which the committee reviews pursuant to subsection A of this section shall be submitted to the City building official. The building official may require from the applicant sufficient copies of the plans and such other information as deemed necessary to enable the Committee to perform its review, following the City's Building Department Review Procedures.

D. Within ~~ten (10)~~ (20) days of receipt of a site plan from an applicant, the City shall hold a meeting of the Site Plan Review Committee to review the site plan. The Site Plan Review Committee shall meet and review the site plan to determine if it conforms to the Zoning and Development Ordinance and Comprehensive Plan.

1. If the site plan conforms to the Zoning and Development Ordinance and Comprehensive Plan, the Site Plan Review Committee shall approve it. The Building Official, in accordance with the Uniform Building Code, shall issue permits for the buildings shown in the approved plan.
2. If the site plan does not conform to the Zoning and Development Ordinance or Comprehensive Plan, the Site Plan Review Committee shall note the discrepancies between the site plan and the Zoning and Development Ordinance or Comprehensive Plan and shall disapprove the plan. Notice of the disapproval, explaining how the site plan fails to conform to the Zoning and Development Ordinance or Comprehensive Plan, shall be mailed to the applicant. The notice shall include an invitation to discuss with the Site Plan Review Committee how the plan might be revised so as to conform to the Zoning and Development Ordinance and Comprehensive Plan.

3. If the Site Plan Review Committee decides that a particular site plan raises public concerns that are best addressed by the whole Planning Commission or does not unanimously approve, the Committee shall neither approve nor disapprove the site plan but shall refer the site plan to the Planning Commission who shall review it in accordance with subsection F of this section. Notice of the referral shall be mailed to the applicant for site plan review within three (3) days of the decision to refer.

E. Any decision by the Site Plan Review Committee to disapprove a site plan may be appealed, in writing, to the Planning Commission within 12 days of the date of notice of disapproval **decision**. A decision by the Site Plan Review Committee to disapprove a site plan becomes final after 12 days from the notice of disapproval **decision** unless the disapproval is appealed to the Planning Commission pursuant to this subsection.

F. Referral of a site plan to the Planning Commission under subsection D 3 of this section or appeal to the Planning Commission of disapproval of a **decision by the Site Plan Review Committee** under subsection E of this section shall be treated by the Planning Commission as an application for a land use action. The Planning Commission shall act upon such referral or appeal in accordance with the provisions of Sections 90.205 to 90.260.

Proposed Amendments to Section 95.070:

95.070 Interpretation of Flood Insurance Rate Map (FIRM) Boundaries. The City Planner shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation **to the Planning Commission**. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

Proposed Amendments to Sections 97.535 through 97.540:

97.535 Density of PUD. The density of a PUD shall not exceed the maximum density permitted in the zone which the PUD is to be developed, **unless a density exception is granted as provided by Section 97.537**. In computing density, the total gross acreage of the PUD shall be used, including public areas, common open space and flood plain, if any, within the PUD but not including boundary streets.

97.537 Density Exceptions. **The Planning Commission may grant an exception to allow an increase from the maximum density of the underlying zone, up to a maximum of 120 percent of the underlying density, upon findings that:**

A. Existing and proposed streets and pedestrian / bicycle systems within and connecting to the development are adequate to support the proposed density;

B. Existing and proposed water, sanitary sewer and storm drainage facilities within and connecting to the development are adequate to support the proposed density;

C. The increase does not necessitate unnecessary topographic alterations or impact inventoried significant natural resource areas, including required buffer areas;

D. The development will provide usable open space and other amenities of exceptional quality or quantity, especially active recreational areas;

E. The additional density will be located internal to the project in a manner which decreases the visual impact on adjacent properties; and

F. The development demonstrates a high level of compliance with recognized practices for sustainable development, including but not limited to the following:

- **Lot and structure orientation for passive and/or active solar energy use;**
- **Covenants ensuring maintenance of future solar access;**
- **Use of wind turbines or wind collectors for power generation or passive ventilation;**
- **Provision of community greenhouses, gardens, or orchards;**
- **Use of water conserving landscaping;**
- **Use of storm water harvesting or diversion for irrigation;**
- **Enhanced tree plantings; and**
- **Use of green roofs.**

G. The development complies with all other requirements of the Zoning and Development Ordinance.

97.540 Common Open Space.

A. No open area may be accepted as common open space within a PUD unless it meets the following requirements:

1. the location, shape, size, and character of the common open space is suitable for the planned development.
2. The common open space is for amenity or recreation purposes, and the uses authorized are appropriate to the scale and character of the PUD, considering its size, density, expected population, topography, and the number and type of dwellings provided.

B. Common open space shall be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. Buildings, structures, and improvements to be located in the common open space shall be appropriate to the uses that are authorized for the common open space.

The minimum amount of usable open space required shall be five (5) percent of the gross acreage of the project.

1. Usable open space in PUDs shall be sited and improved to provide active recreational amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. All of the required usable open space area shall be improved for active recreational use, except where inventoried 100-year floodplains, inventoried or delineated wetlands, and/or required riparian or wetland buffers are present on site.

2. Usable open space in PUDs may include passive recreational areas only where inventoried 100-year floodplains, inventoried or delineated wetlands, and/or

required riparian and wetland buffers are present on site. Such areas or portions thereof will not count for more than 25 percent of the required usable open space.

C. The development schedule, which is part of the PUD plan, shall coordinate any improvement of the common open space with the construction of residential dwellings in the PUD.

D. If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that such buildings, structures, and improvements will be completed. The city manager shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

E. No common open space may be put to a use not specified in the final plan unless the final plan is first amended to permit the use. However, no change of use may be considered a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

Proposed Amendments to Sections 92.410 through 92.430 – Main Street District Zone:

92.410 Area of Application. The Main Street (MS) District Zone is applied to the area located west of Highway 99W (Pacific Street), excluding the Commercial Highway (CH) zoned property adjacent to Highway 99W, south of Jackson Street (**except for the property at the northwest corner of the intersection with Knox Street**), north of Clay Street, and east of College Street, excluding the High Density Residential (RH) zoned property east of College Street.

92.420 Permitted Land Uses. The following land uses are permitted in the Main Street District Zone, subject to the provisions of sections 92.405 to 92.500.

A. Residential* [Residential shall remain secondary to commercial use in the MS District]:

1. Single-family detached housing, existing housing only
2. Zero-lot line housing, existing only
3. Accessory dwellings **used in conjunction with a permitted commercial activity**
4. Manufactured homes – individual lots, existing housing only
5. Single-family attached townhome
6. Two- and three-family housing (duplex and triplex)
7. Multi-family housing
8. Residential homes and facilities, as defined by this Ordinance.
9. Daycare facilities, provided they are located within office buildings and do not exceed 1,500 square feet or serve more than thirteen (13) children.

B. ~~Home occupations subject to the standards in Sections 90.605 to 90.615 of this Ordinance~~

C. Public and Institutional*:

1. Clubs, lodges, similar uses
2. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)
3. Public parking lots and garages, Main Street excepted.
4. Private utilities
5. Public and private educational facilities and trade schools, art, music, or dance studios, radio and television studios, excluding transmission towers.

6. Public parks and recreational facilities

7. Libraries and senior and community centers

DC. Accessory Uses and Structures*

ED. Commercial:

1. Automobile-oriented uses and facilities
2. Coffee shops, cafes and delicatessens which serve at least breakfast and/or lunch, and catering services
3. Health and recreational facilities, such as exercise spas, gymnasiums, tennis and racquetballs courts, saunas
4. Entertainment (e.g., theaters, clubs, **galleries, museums**, amusement uses)
5. Hotels, motels
6. Medical and dental offices, clinics and laboratories
7. Mixed use development (housing and other permitted use)*
8. Office uses (i.e., those not otherwise listed) and telecommuting centers
9. Personal and professional services (e.g., flower or plant store, pet shop, hardware store, pharmacy, Laundromats, and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)
10. Graphic arts, printing, blue printing, photo processing or reproduction labs, publishing and book binding services, and testing laboratories and facilities, provided no operation shall be conducted or equipment used that would create hazards and/or noxious or offensive conditions.
11. Repair services (must be enclosed within building)
12. Retail trade and services

13. Uses similar to those listed above subject to conditional use requirements, as applicable

~~FE~~. Industrial*: Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)

Uses marked with an asterisk (*) are subject to the standards in Section 92.480, "Special Standards for Certain Uses."

92.430 Conditional Uses. If authorized under the procedures provide for conditional uses in this Ordinance, the following uses may be permitted in the MS District:

A. Bed & Breakfast inns and vacation rentals

B. Telecommunications equipment (including wireless)

C. Churches and other places of worship or religious assembly

~~D. Galleries and museums, small-scale (seating capacity up to 500) a~~Assembly or convention facilities and theaters for performing arts with seating capacity greater than 300, exhibition halls, administrative facilities, libraries, and senior centers.

~~E. Public parks and recreational facilities~~

~~F.~~ Uses similar to those listed under Permitted Uses, subject to conditional use requirements, as applicable.

Proposed Amendments to Section 96.127:

96.127 Fences. Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of **required** clear-vision areas. **Front yard** ~~fences~~ along a front property line or within a front yard setback shall not exceed a height of five (5) feet, when the fence is at least 50 percent open. All other **front yard** fences, walls or hedges shall not exceed a height of three and one-half (3 1/2) feet ~~along the front property line or within 10 feet of a front property line.~~

All fences ~~which~~ are located within the legs of a vision clearance area at street and alley intersections shall not exceed 3-1/2 feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring.

Side yard fences located within 15 feet of a front property line shall not exceed three and one-half (3 1/2) feet in height. All other side or rear yard fences, walls or hedges may shall not exceed six (6) feet in height without approval of a variance.

Fences shall not be constructed of or contain any material which could cause bodily harm such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Barbed wire fences shall not be constructed or maintained, nor shall barbed wire be allowed to remain as part of a fence along a sidewalk or public way. No electric fences shall be installed, maintained, or operated in any residential or commercial zone or adjacent to any sidewalk or public way.

The height of a fence adjoining a street shall be determined by measuring the vertical distances from the sidewalk to the highest part of the fence. If no sidewalk exists, the height of the fence

shall be determined by measuring the vertical distance from the curb to the highest part of the finished shoulder grade of the right-of-way or from the finished grade of the property along the fence.

Proposed Amendments to Section 99.015:

99.015 Annexation Election. Annexation requests approved by the City Council, except those approved due to failing septic systems, health hazards or other annexations mandated by State law, or annexations of one acre or less, shall be submitted to a vote of the City's electors. An annexation approved by the City Council shall not be final until and unless the annexation is approved by the City electors.

A. The City Council shall, by resolution, adopt a ballot title for an election on the annexation. The City Elections Officer shall publish notice of receipt of the ballot title in the next available edition of a newspaper of general distribution in the City, together with a statement that an elector may file a petition for review of the ballot title not later than the seventh business day after the title is approved by the Council and filed with the City Elections Officer. After the ballot title becomes final, the City Elections Officer shall file the ballot title with the Polk County Elections Officer together with proof of such publication. (Ordinance 1227, Section 3, February 7, 2006)

B. The election on the annexation shall be held on the next available state election day in March, May, September, or November which is not less than 61 days after the ballot title was filed with the Polk County Elections Officer not more than 90 days after the ballot title was adopted. (Ordinance 1227, Section 4, February 7, 2006)

C. The City shall cause the property under consideration for annexation to be posted with a minimum of one sign not greater than 6 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation, drafted by the City Recorder. **The sign shall be posted on the property at least 30 days prior to the election.** The sign shall be removed by applicant within 10 days following the election.

Proposed amendments to Sections 90.412 and 90.413:

90.412 Minor Variances.

For the purposes of this section, minor variances shall be defined as follows:

- A. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
- B. Variances to lot width, depth and frontage requirements of up to 10 percent;
- C. Variances to residential yard/setback requirements of up to 20 percent, provided that no side yard shall be less than five feet;
- D. Variances to nonresidential yard/setback requirements of up to 10 percent;
- E. Variances to lot area requirements of up to 5 percent; and
- F. Variances to fence height requirements of up to 20 percent.

G. Variances of no more than 4 feet to the required 60 foot right-of-way width for local streets not located within a PUD, as specified in Table 7-2 of Section 96.410 E.

(Amended by Ordinance 1260, January 3, 2008)

90.413 Minor Variance Criteria.

A. The City Planner may allow a minor variance from those development standards as defined in Section 90.412 if the Planner finds that the variance meets all of the following standards:

1. The property is currently developed such that development of a permitted use is impractical; or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.
2. The request is the minimum variance that would alleviate the hardship;
3. The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or be otherwise detrimental to the objectives of any City development, plan or policy;
4. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
5. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

B. If the City Planner determines that a minor variance application raises public concerns that are best addressed by the whole Planning Commission, the City Planner may refer a minor variance application to the Planning Commission for their review as a Type I action.

C. When a minor variance application is submitted concurrently with an application requiring a Type II review, such as a major partition, subdivision or planned unit development, the City Planner may refer the minor variance application to the Planning Commission for their review in conjunction with the concurrent application.

D. Variances to the required right-of-way width for local streets shall only be approved upon recommendation by the Public Works Director.

Proposed amendments to Section 96.410:

96.410 Transportation Improvement Standards.

A. The location, width, and grade of streets, bikeways and pedestrian facilities shall be considered in their relation to existing and planned streets, bikeways and pedestrian facilities, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. All streets, bikeways, and pedestrian facilities shall connect to other such facilities within the development and to existing and planned streets, bikeways, and pedestrian facilities outside the development. Where location is not shown in the Monmouth Transportation System Plan or another development plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing and planned streets, bikeways and pedestrian facilities in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets, bikeways and pedestrian facilities impractical.

B. Widths of street rights-of-way and paving design for streets shall be not less than those set forth in the table below except **as follows:**

1. A minor variance has been approved pursuant to Section 90.412 G., or

2. For a street abutting land not in the subdivision or partition area, a lesser width may be allowed as a variance where the applicant presents a satisfactory plan as to when such street will be expanded to the required width.

C. The width of street rights-of-way provided in the table below shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets, and the applicant shall dedicate additional rights of way, as determined by the Public Works Director in accordance with such table, for any such adjacent street, proposed for access to the subdivision, where the existing width of rights of way for such street is less than the minimum in said table. Off-site improvements, such as pavement construction or reconstruction of existing street(s) proposed for access to the subdivision, which are inadequate or in failing condition, may be required. Off-site transportation improvements will include bicycle and pedestrian improvements, as identified in the adopted City of Monmouth Transportation System Plan.

D. The standard cross section for local streets includes on-street parking on both sides of the street, with a total paved cross section of 36 feet. The Public Works Director will permit development of a local street with a paved cross section of 28 feet, **as a local street alternative design as shown in Table 7-2,** if it can be shown that the traffic volume is not anticipated to meet or exceed 400 vehicles per day (average daily link volume) and where the street design limits parking to one side of the street only.

E. Street Standards.

Street Cross-Section Standards (TSP Table 7-2)

Classification	Right-of-Way	Streetscape	Travel Lanes	Bike Lanes	On-Street Parking	Sidewalks	Landscaping
Major Arterial ¹	80 feet	73 feet	2 travel + center turn lane or median	6 feet	No	6.5 feet	5 feet
Minor Arterial	70 feet	64 feet	2 travel + center turn lane or median	6 feet	No ²	7 feet	No
Ash Creek Drive	80 feet	64 feet	2	Yes ³	No ²	6 feet ³	6 feet ³
Downtown STA ¹	70 feet	68 feet	2	5 feet	8 feet, both sides	10 feet	Tree well
Major Collector	60 feet	48 feet	2	6 feet	No ²	6 feet	No
Minor Collector	60 feet	52 feet ⁴	2	No	8 feet, both sides	6 feet	No
Local Street	60 feet	40-48 feet	2, unstriped	No	8 feet ⁵ , both sides	6 feet	No
Local Street PUD	60 feet	40-58 feet ⁵	2, unstriped	No	8 feet ⁵ , both sides	6 feet	5 feet
Local Street (alternative)	52 feet	40 feet	2, unstriped	No	8 feet, one side	6 feet	No

¹ Design of all state highways are subject to the design standards and guidelines in the ODOT Highway Design Manual

² On-street parking can be provided on all city streets at the discretion of the Public Works Director.

³ The Ash Creek Drive cross-section includes sidewalk and bike lane on the north side and a multi-use path on the south side, separated from the roadway by a 10-foot wide natural buffer.

⁴ Curb extensions are encouraged on minor collectors to encourage appropriate travel speeds.

⁵ For local streets, parking can be eliminated on one side to meet "skinny" street standards.

Proposed Amendments to the Monmouth Transportation System Plan (page 71):

Table 7-2 Monmouth Street Cross-Section Standards

Classification	Right-of-Way	Streetscape	Travel Lanes	Bike Lanes	On-Street Parking	Sidewalks	Landscaping
Major Arterial ¹	80 feet	73 feet	2 travel + center turn lane or median	6 feet	No	6.5 feet	5 feet
Minor Arterial	70 feet	64 feet	2 travel + center turn lane or median	6 feet	No ²	7 feet	No
Ash Creek Drive	80 feet	64 feet	2	Yes ³	No ²	6 feet ³	6 feet ³
Downtown STA ¹	70 feet	68 feet	2	5 feet	8 feet, both sides	10 feet	Tree well
Major Collector	60 feet	48 feet	2	6 feet	No ²	6 feet	No
Minor Collector	60 feet	52 feet ⁴	2	No	8 feet, both sides	6 feet	No
Local Street	60 feet	40-48 feet	2, unstriped	No	8 feet ⁵ , <u>both sides</u>	6 feet	No
Local Street PUD	60 feet	40-58 feet ⁵	2, unstriped	No	8 feet ⁵ , <u>both sides</u>	6 feet	5 feet
Local Street (alternative)	52 feet	40 feet	2, unstriped	No	8 feet, one side	6 feet	No

¹ Design of all state highways are subject to the design standards and guidelines in the ODOT Highway Design Manual
² On-street parking can be provided on all city streets at the discretion of the Public Works Director.
³ The Ash Creek Drive cross-section includes sidewalk and bike lane on the north side and a multi-use path on the south side, separated from the roadway by a 10-foot wide natural buffer.
⁴ Curb extensions are encouraged on minor collectors to encourage appropriate travel speeds.
⁵ For local streets, parking can be eliminated on one side to meet "skinny" street standards.

Proposed amendments to the Sign Code – Chapter 81 of the Monmouth City Code.

81.150 Definitions Relating to Signs.

Sail sign. A piece of cloth, varying in size, shape, color, and design, attached at one edge to a staff or cord for the entire vertical length of the cloth, and used as a means of conveying a message.

Temporary Sign. A sign which is not permanently affixed, including **sail signs**, banners, pennants, flags (not including flags of national, state or city governments), search lights, sandwich boards, sidewalk signs, curb signs, balloons or other air or gas-filled balloons.

Wind Sign or Device. Any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressures by wind or breeze. This definition includes segmented “A-board” signs where any number of panels are free to swing within a larger frame. **This definition does not include sail signs.**

81.020 Exempt Signs. The following signs, when they meet the stated provisions, are not subject to the other provisions of this Sign Code, except for the enforcement, penalty provisions and vision clearance requirements.

- A. “A-board” signs provided:
 - 1. The display/structure height does not exceed 40” tall, nor 24” inches wide, except at an intersection, as defined in Appendix B.
 - 2. There is only one sign per business.
 - 3. The sign is located immediately adjacent to either the building or to the curb which adjoins the sidewalk adjacent to the building, to preclude interference with pedestrian traffic.
 - 4. The sign is displayed only during hours when the business is open.
- B. Garage sale signs: See MCC (Monmouth City Code) 61.180.
- C. “MANAGED BY __” sign, provided it does not exceed three (3) square feet.
- D. Memorial tablets, cornerstones, or similar plaques provided they do not exceed six (6) square feet in size.
- E. Signs painted on, or placed upon a window, in a non-residential zone, provided such signs do not obscure more than fifty (50) percent of such window.

- F. Small, incidental signs, provided they do not exceed two (2) square feet in size. Such signs are limited to two (2) non-illuminated, exterior signs per lot or one (1) per street frontage, whichever is greater.
- G. Neon tube lighting, provided that it does not exceed two (2) square feet in size. Neon tube lighting is limited to two (2) per street frontage, provided that one (1) is an "Open" sign.
- H. "PRIVATE PARKING" signs, not exceeding two (2) square feet.
- I. Real estate directional signs not exceeding two (2) square feet in size.
- J. Seasonal signs and lighting provided that the display is only visible for 90 days per calendar year.
- K. Any sign within a building that communicates only to persons within a building, unless otherwise noted.
- L. Strings of lights in non-residential zones, provided they:
 - 1. do not exceed five (5) watts per bulb, and
 - 2. the bulbs are placed no closer than six (6") inches apart and
 - 3. the bulbs do not flash or blink in any way, seasonal lighting excepted.
- M. Temporary, non-illuminated signs meeting the following criteria:
 - 1. Real estate or construction signs, that do not exceed six (6) square feet in residential zones or 32 square feet in commercial and industrial zones. Such signs shall be removed within seven (7) days from the sale, lease or rental of the property or completion of the project.
 - 2. One residential development promotional sign not exceeding 32 square feet may remain during the promotion of the project.
 - 3. Signs for charitable fund raisings, sales, or temporary events, provided they do not exceed 16 square feet. Such signs shall not be placed more than fourteen (14) days prior to the event and must be removed within two (2) days of the conclusion of the event. Limit of six (6) such event signs per lot per year.
 - 4. Political signs, provided they do not exceed six (6) square feet in size. Such signs are to be erected no more than 60 days prior to, and removed within seven (7) days following an election.
 - 5. Temporary Promotional Signs. Displays for a center-wide promotion or event, that are removed immediately upon cessation of such event or promotion.

- N. Directional and informational signs placed by a government or governmental agency, including, but not limited to traffic signs, lights and signals placed by a governmental agency.
- O. Advertising signs placed at a sports facility owned by a government or governmental agency.

(Amended by Ordinance 1260, January 3, 2008)

P. Sail Signs:

- 1. Use of sail signs is allowed in office, commercial, and industrial zones on Highway 99W.**
- 2. One sail sign is permitted for every 50 lineal feet of street frontage on Highway 99W, up to a maximum of four (4) sail signs.**
- 3. The maximum height for a sail sign shall be 12 feet.**
- 4. The maximum size for a sail sign shall be 24 square feet.**
- 5. Sail signs shall be placed on the business property and not within the Highway 99W right-of-way.**
- 6. Sail signs shall not be placed within a required vision clearance area.**
- 7. Sail signs shall not be placed in a parking space or on a vehicle within a parking space.**
- 8. Sail signs shall not be placed in a sidewalk or any other location that may interfere with accessibility.**

81.030 Prohibited Signs. The following signs are prohibited.

- A. All signs not specifically exempt from or allowed by the Sign Code.
- B. Flashing, ~~animated, moving, or rotating~~ signs and strobe lights.
- C. Movable, temporary, or bench signs except as may be authorized in MCC 81.020.
- D. Moving, rotating, or otherwise animated signs or parts thereof, except barber poles **and electronic reader boards subject to MCC 81.090 B.6.**
- E. Obscene signs.
- F. Obsolete signs.
- G. Off-premises signs, except as exempt in MCC 81.020.

- H. Public address system or sound devices used in conjunction with any sign.
- I. Signs which consist of flags, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or elements creating sound, except as exempt from this Sign Code pursuant to MCC 81.020 L.
- J. Three-dimensional statue, caricature or representation of persons, animals or merchandise as a sign or incorporated into a sign structure, except by Variance.
- K. A sign described in MCC 81.020 N not placed by a government or governmental agency, or which hides from view any such sign placed by a government or governmental agency.
- L. Wall graphics or murals except by permission of the City Council.
- M. Wind sign or device.
- N. Any sign placed so that it obstructs any fire escape, stairway or standpipe, or that interferes with human exit through any upper story window, or other emergency access/egress.
- O. Signs that are trailer mounted for advertising purposes, except signs exempt from this Sign Code under MCC 81.020 M(5).
- P. Inflatable advertising devices.**

81.080 Integrated Shopping Center Signs.

- A. General Center Sign. One free-standing sign for the shopping center for each street frontage on an arterial or collector street. The height of such sign shall not exceed twenty (20) feet, the area shall not exceed 100 square feet, and the sign shall not be less than eight (8) feet above grade.
- B. Directional Signs. Signs identifying vehicle entrances and exits shall not exceed eight (8) square feet in area nor four (4) feet in height.
- C. On-premise Directional Signs. Signs designed to be used only to identify and locate an office, entrance, exit, telephone or similar place and shall not exceed eight (8) feet in area.
- D. Signs for Individual Businesses.
 - 1. One (1) wall sign for each wall facing or frontage on an arterial or collector street or parking lot.
 - 2. One (1) under-marquee sign for each frontage for each business.
- E. Temporary signs. As provided in MCC 81.020 M.65

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