



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: 11/24/2014
Jurisdiction: City of Monmouth
Local file no.: LA 14-03
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/20/2014. 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**

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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	NOV 21 2014
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Monmouth**Local file number: **LA 14-03**Date of Adoption: **11/18/2014**Date Mailed: **11/19/2014**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/1/2014 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 14-03 amends the Comprehensive Plan Map designations/zoning for a number of properties located on the Western Oregon University Campus. The Comprehensive Plan Map designation is changed from High Density Residential to Public and the zoning is changed from High Density Residential (HR) to Public Service College (PSC)

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **High Density Residential** to: **Public**Zone Map Changed from: **High Density Residential** to: **Public**Location: **Intersection of Gentle Avenue W/Monmouth Avenue N** Acres Involved: **7**Specify Density: Previous: **20 du/acre**New: **N/A**

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 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 Amending the Monmouth)
Comprehensive Plan Map Designation for)
Certain Parcels of Real Property Owned)
by Western Oregon University from High)
Density Residential to Public and)
Amending the Monmouth Zoning Map)
Designation for Said Parcels from High)
Density Residential to Public Service College)

ORDINANCE NO. 1351

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

WHEREAS, after due notice was provided to the Oregon Department of Land Conservation and Development and the public, on October 1, 2014, the Monmouth Planning Commission held a public hearing and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, the City Council held a public hearing on the application on October 21, 2014, and at the conclusion thereof found that there was substantial evidence that the proposed amendments met the requirements of the Monmouth Comprehensive Plan and the Monmouth Zoning and Development Ordinance; NOW, THEREFORE,

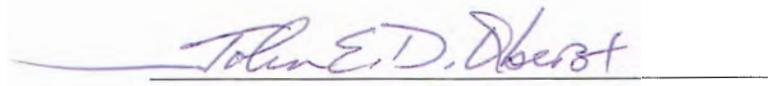
THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The map attached hereto and marked Exhibit 1 is hereby adopted as the amended Comprehensive Plan Map and Zoning Map for said properties.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on October 21, 2014, a copy of which is attached hereto as Exhibit 2 and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of the amendments to the Comprehensive Plan Map and Zoning Map.

Read for the first time: November 3, 2014
Read for the second time: November 17, 2014
Adopted by the City Council: November 17, 2014
Approved by the Mayor: November 17, 2014

ATTEST:


John E. D. Oberst, Mayor

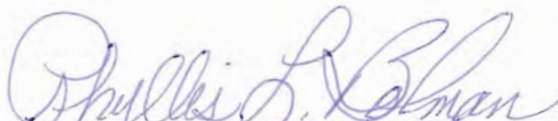

Phyllis L. Bolman, City Recorder

EXHIBIT 1



EXHIBIT 2

STAFF REPORT

October 21, 2014 City Council Meeting

Date: October 15, 2014
To: Monmouth City Council
Thru: Scott McClure, City Manager
From: Mark Fancey, Community Development Director
Subject: Legislative Amendment 14-03 – Amendments to the Monmouth Zoning Map and Comprehensive Plan Map

Summary: Legislative Amendment 14-03 amends the zoning and Comprehensive Plan Map designation for a number of properties located on the Western Oregon University campus that are incorrectly designated and zoned.

Previous Action: None.

Background: Over the past several years, staff has been updating the Comprehensive Plan Map and Zoning Map.

Discussion: Legislative Amendment 14-03 amends the zoning and Comprehensive Plan Map designation for a number of properties located on the Western Oregon University Campus. The Comprehensive Plan Map designation would be changed from High Density Residential to Public and the zoning would be changed from High Density Residential (RH) to Public Service College (PSC).

The properties include Assessor Map 8525DD, Tax Lot 1101 (0.16 acres) that is the location of the University entrance sign and adjacent Tax Lot 1103 (4.09 acres) that is the site of the former Oregon Police Academy Building and an adjacent parking lot.

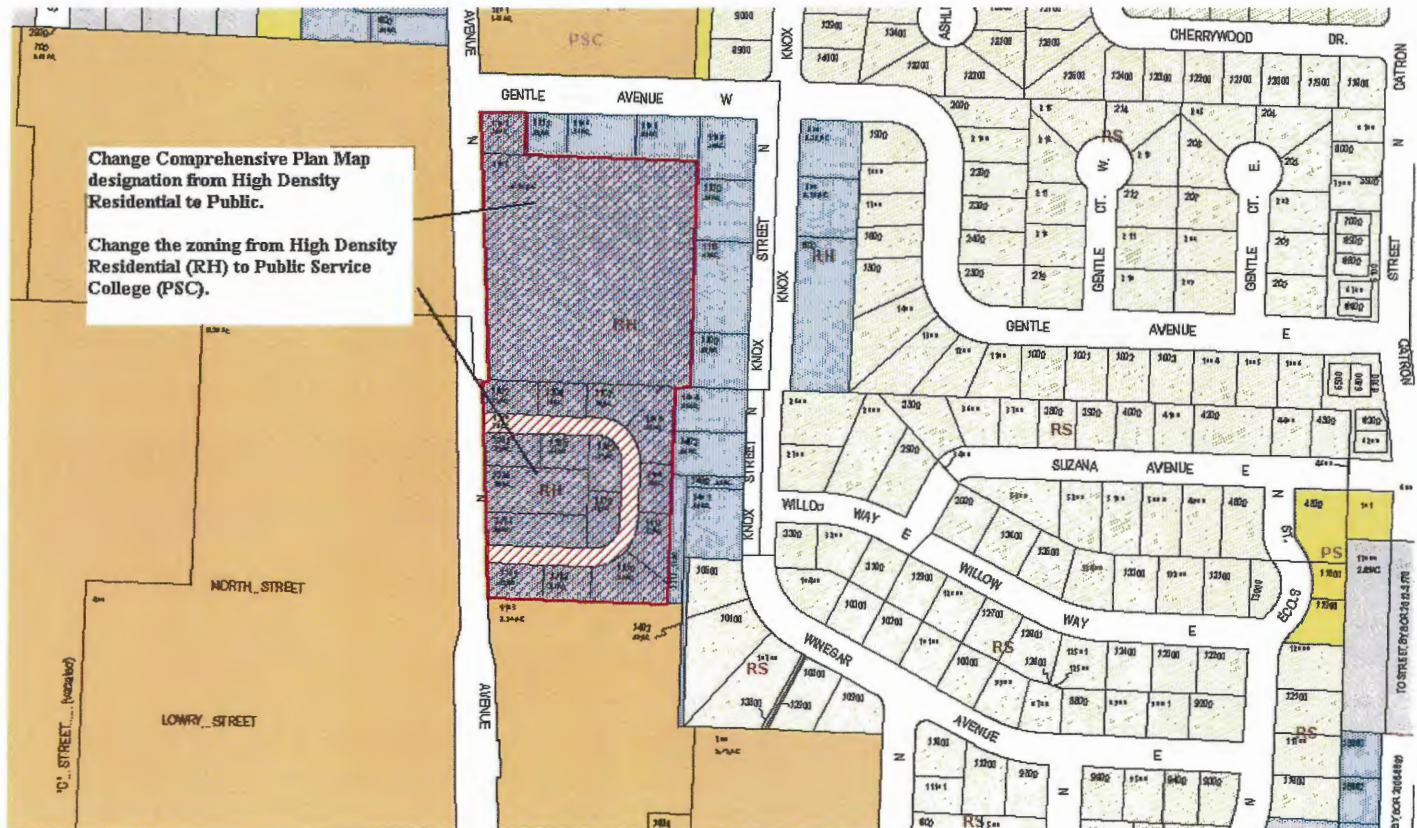
The following properties include a circular drive and parking area and properties that formerly included student housing units. These properties total approximately 3.53 acres and are the site of the University's new education building to be constructed in 2015:

- Assessor Map 8525AA Tax Lot 1100 – 0.70 acres;
- Assessor Map 8525AA Tax Lot 1101 – 0.16 acres;
- Assessor Map 8525AA Tax Lot 1102 – 0.15 acres;
- Assessor Map 8525AA Tax Lot 1104 – 0.22 acres;
- Assessor Map 8525AA Tax Lot 1106 – 0.14 acres;
- Assessor Map 8525AA Tax Lot 1107 – 0.19 acres;
- Assessor Map 8525AA Tax Lot 1108 – 0.14 acres;
- Assessor Map 8525AA Tax Lot 1112 – 0.17 acres;

EXHIBIT 2

- Assessor Map 8525AA Tax Lot 1116 – 0.24 acres;
- Assessor Map 8525AA Tax Lot 1113 – 0.14 acres;
- Assessor Map 8525AA Tax Lot 1111 – 0.16 acres;
- Assessor Map 8525AA Tax Lot 1114 – 0.28 acres;
- Assessor Map 8525AA Tax Lot 1110 – 0.15 acres;
- Assessor Map 8525AA Tax Lot 1109 – 0.15 acres;
- Assessor Map 8525AA Tax Lot 1105 – 0.14 acres; and
- Assessor Map 8525AA Tax Lot 1115 – 0.40 acres;

The map below shows the properties proposed for re-designation.



Note, although the amendments would change the designation of approximately 7.78 acres of land designated as High Density Residential, including approximately 3.53 redevelopable acres at the education building site, this land is considered erroneously designated and has not been included in the recent draft buildable lands inventory as buildable residential land.

The applicable standards for zone changes and Comprehensive Plan Map amendments are found in Section 90.325 and Section 90.330 of the Monmouth Zoning and Development Ordinance.

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:

EXHIBIT 2

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. The proposed change is consistent with applicable goals and policies of the Comprehensive Plan.
- C. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- D. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area.

90.330 Standards for Plan Map Amendment. No Comprehensive Plan Map amendment shall be approved by the Planning Commission or enacted by the City Council unless the amendment meets the following standards:

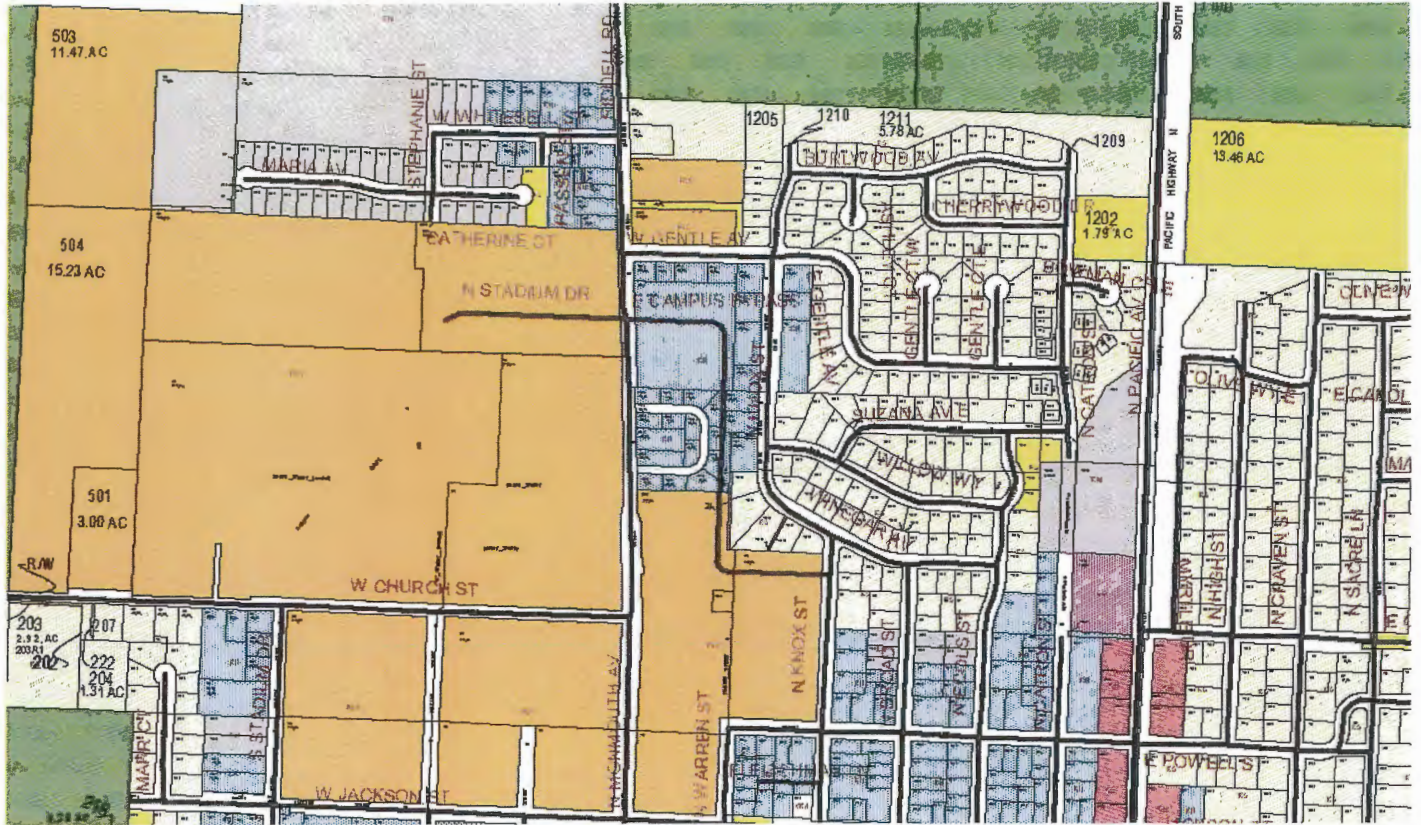
- A. The proposed Comprehensive Plan Map amendment meets at least one of the following standards:
1. The Comprehensive Plan designation for the land for which the Plan amendment is initiated is erroneous and the Plan amendment would correct the error;
 2. Conditions in the neighborhood surrounding the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

Findings: These properties total approximately 7.78 acres. The Comprehensive Plan Map designations for the properties is High Density Residential and the properties are zoned High Density Residential (RH). The proposed Comprehensive Plan Map designation for the properties is Public and the proposed zoning is Public Service College (PSC).

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 Western Oregon University.

EXHIBIT 2

No land designated as residential is included on the WOU campus. All of the campus properties, with the exception of the downtown parking lot on Jackson Street, are designated as Public on the Comprehensive Plan Map and are zoned Public Service College (PSC). The Jackson Street parking lot is designated as Commercial on the Comprehensive Plan Map and is zoned Main Street District (MSD). All of these properties are owned by the State of Oregon. The zoning map below shows the WOU campus, including the Public Service College Zone (light orange) and the subject properties to the east zoned High Density Residential Zone (light blue).



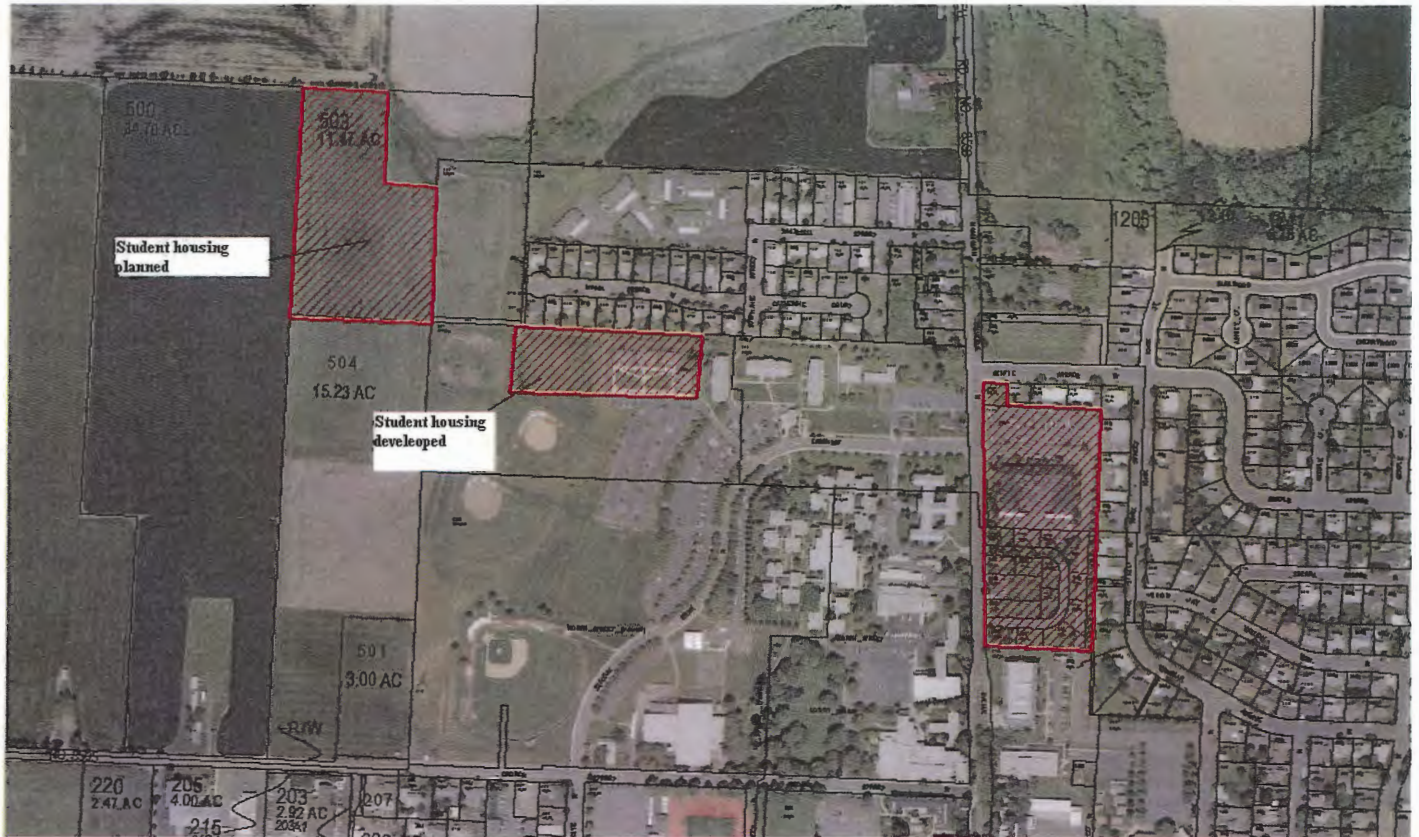
The properties include Assessor Map 8525DD, Tax Lot 1101 (0.16 acres) that is the location of the University entrance sign and adjacent Tax Lot 1103 (4.09 acres) that is the site of the former Oregon Military Academy Building and an adjacent parking lot. Polk County Assessor records show that the Military Academy Building was constructed in 1994.

The remainder of the area proposed for re-designation includes a number of tax lots served by a private circular drive. These properties were formerly used as on-campus student housing for Veterans. This area is located adjacent to Hamersly Library and is the site of the new educational building, planned for construction in 2015. Development of the facility on this site is consistent with the intent of the WOU 2020 Master Plan to develop and maintain a core of learning facilities in the central part of campus while expanding housing and athletic facilities to the west.

In recent years, the University has developed 48 multi-family housing units on a 4-acre portion of the campus west of the subject properties identified as the Assessor Map 8525DC, Tax Lot 501. Approximately 8 acres of additional land for multi-family housing has been identified in

EXHIBIT 2

the WOU 2020 Master Plan on Assessor Map 8524 Tax Lot 503. The areas planned and developed for multi-family students housing are shown on the map below. Dwellings for faculty, staff and students are a permitted use in the Public Service College (PSC) Zone.



The proposed amendments result in no net loss of land planned for multi-family housing and would designate and rezone the subject properties consistent with the remainder of the campus.

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, no Comprehensive Plan goals or polices are applicable to the proposed amendments.

Regarding criterion C of Zoning Ordinance sections 90.325 and 90.330, the properties have access to Monmouth Avenue N., which is designated as a Major Collector in the Transportation System Plan (TSP). The Monmouth Avenue N. right-of-way directly adjacent to the future site of educational building ranges in width from 52 to 56 feet, where 60 feet is the required standard. In conjunction with development of the property, WOU will need to dedicate additional right-of-way to meet City standards. The properties are fully served with utilities. The proposed Comprehensive Plan Map designation meets Section 90.330 C. The proposed zoning meets Section 90.325 C.

Regarding criterion D of Zoning Ordinance sections 90.325 and 90.330, the subject properties are part of the WOU campus and are partially developed. The site of the new educational

EXHIBIT 2

building will be developed as specified in the WOU Master Plan. These properties have long been part of the WOU campus. The surrounding areas are primarily designated and developed for high density residential uses consistent with their location near campus.

The proposed Comprehensive Plan Map designation meets Section 90.330 D. The proposed zoning meets Section 90.325 D.

Alternatives (options):

1. Adopt Legislative Amendment 14-03 as recommended by the Planning Commission;
2. Adopt Legislative Amendment 14-03 with modifications. (The motion must include the modifications.); or
3. Take no action.

Financial Implications: None

Recommendation: The Planning Commission conducted a public hearing on Legislative Amendment 14-03 on October 1 2014. At the conclusion of the public hearing, the Planning Commission recommended adoption of the amendments. If the Council votes to adopt Legislative Amendment 14-03, staff will prepare an ordinance for a first reading at the November 4, 2014 City Council meeting.

Proposed Motion:

I move that the Council accept the recommendation of the Planning Commission and adopt Legislative Amendment 14-03.

ONMOUTH
IN STREET
OR 97361

neopost[®]
11/20/2014

FIRST-CLASS MAIL

US POSTAGE

\$01.40⁰⁰

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Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540