



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: May 18, 2015
Jurisdiction: City of Monmouth
Local file no.: CPMA/ZC 14-01
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/13/2015. 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 40 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

DLCD FORM 2



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



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Monmouth

Local file no.: CPMA/ZC 14-01

Date of adoption: 05/05/15

Date sent: 5/7/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/21/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mark Fancey, Community Development Director

Phone: 503-751-0147

E-mail: mfancey@ci.monmouth.or.us

Street address: 151 Main Street W.

City: Monmouth

Zip: 97361-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Medium Density Residential	to Low Density Residential	0.23 acres.	A goal
exception was required for this change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 8525DA 7100 184 Gwinn St W. & 575 Monmouth Ave S.

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Medium Density Residential 0.23	to	Low Density Residential	Acres:
Change from	to		Acres:
Change from	to		Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address): 8525DA 7100 184 Gwinn St W. & 575 Monmouth Ave S.

List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending the Monmouth)
Comprehensive Plan Map Designation for a)
Certain Parcel of Real Property Located at)
184 Gwinn St. W. and 575 Monmouth Ave. S.)
from Medium Density Residential to Low)
Density Residential and Amending the)
Monmouth Zoning Map Designation for Said)
Parcel from Medium Density Residential)
(RM) to Low Density Residential (RS))

ORDINANCE NO. 1356

WHEREAS, Ruth Everitt and Graham Everitt submitted an application to amend the Comprehensive Plan Map and Zoning Map designation for the real property located at 184 Gwinn St. W. and 575 Monmouth Ave. S., shown as Tax Lot 1700 on the map attached hereto as Exhibit 1, and by reference incorporated herein, from Medium Density Residential to Low Density Residential and to amend the Zoning Map Designation for said parcel from Medium Density Residential (RM) to Low Density Residential (RS); and

WHEREAS, after due notice was provided to the Oregon Department of Land Conservation and Development and the public, on March 4, 2015, the Monmouth Planning Commission held a public hearing on the application 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 April 7, 2015, and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Monmouth Comprehensive Plan and the Monmouth Zoning and Development Ordinance, and that the application should be granted; NOW, THEREFORE,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The application of Ruth Everitt and Graham Everitt, the owners of the property located at 184 Gwinn St. W. and 575 Monmouth Ave. S., shown as Tax Lot 1700 on the map attached hereto as Exhibit 1, to amend the Comprehensive Plan Map designation for the property from Medium Density Residential to Low Density Residential and to amend the Zoning Map

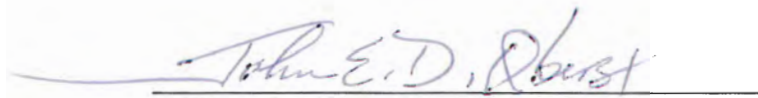
Designation for said parcel from Medium Density Residential (RM) to Low Density Residential (RS), be, and it hereby is, approved.

Section 2. The map attached hereto and marked Exhibit 2 is hereby adopted as the amended Comprehensive Plan Map and Zoning Map for said property.

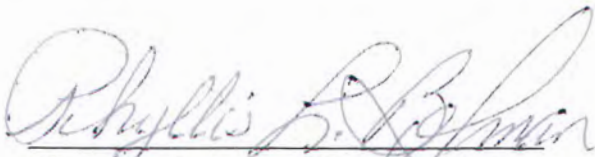
Section 3. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on April 7, 2015, a copy of which is attached hereto as Exhibit 3 and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this Comprehensive Plan Map amendment and Zone change.

Read for the first time: April 21, 2015
Read for the second time: May 5, 2015
Adopted by the City Council: May 5, 2015
Approved by the Mayor: May 5, 2015

ATTEST:



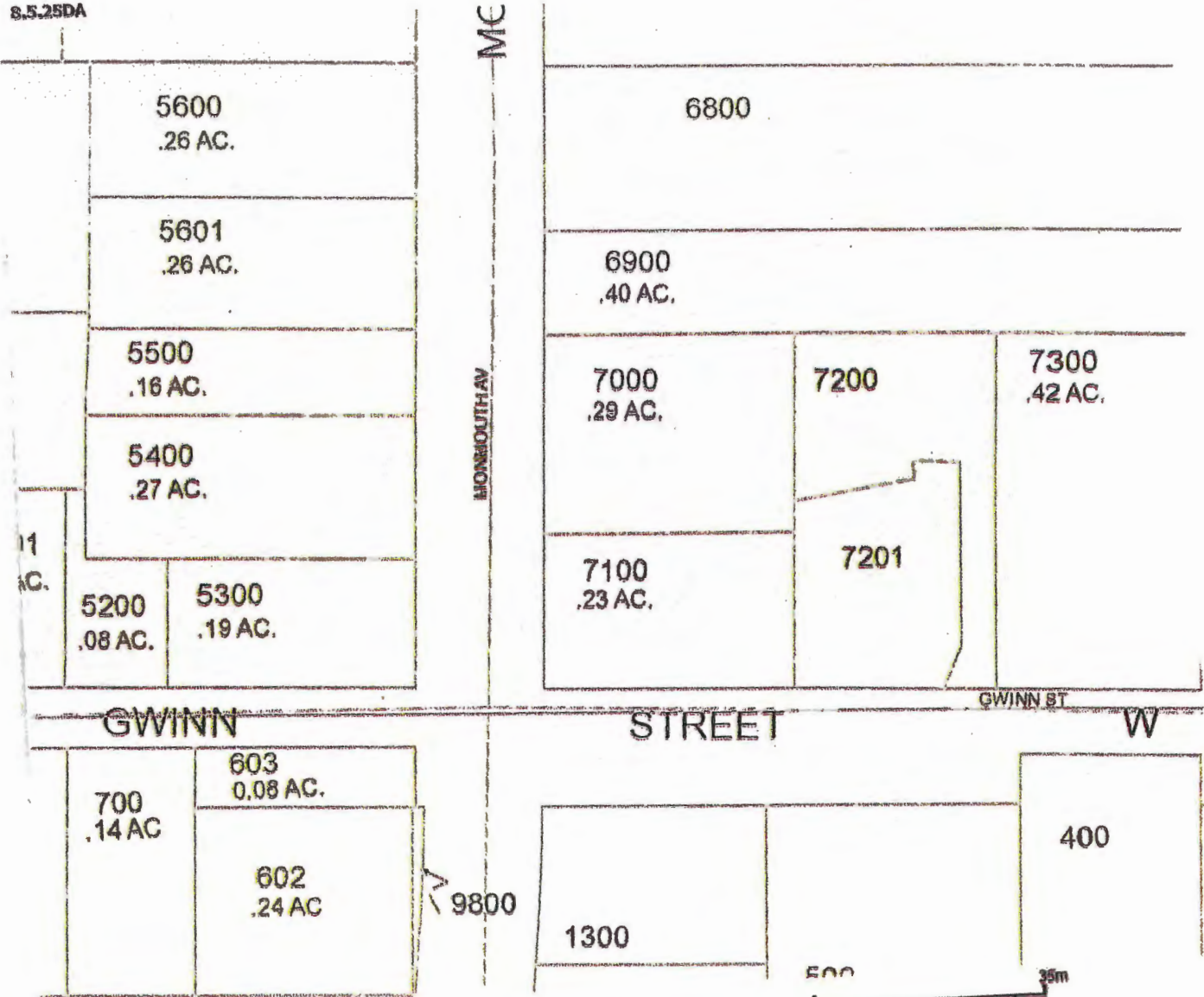
John E. D. Oberst, Mayor



Phyllis L. Bolman, City Recorder

Exhibit 1

8.5.25DA



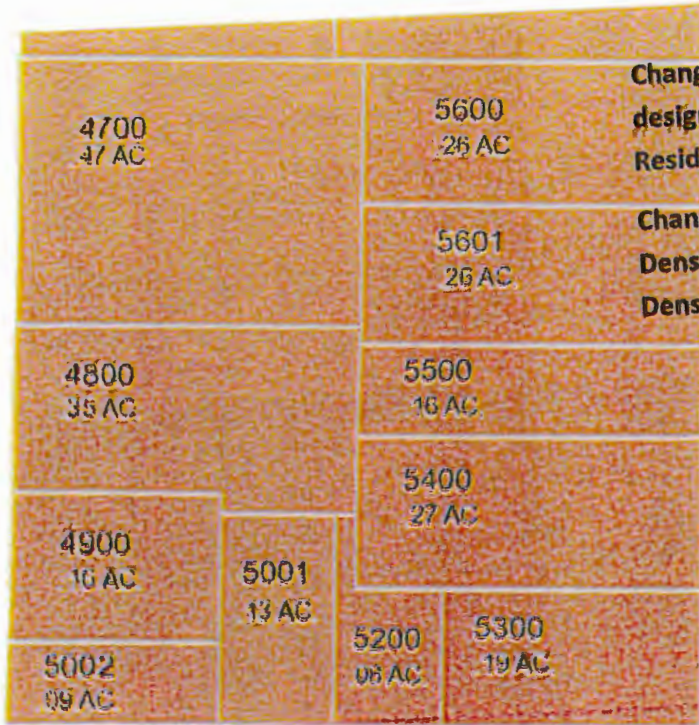
4-28-2015



Exhibit 2

NOT Available

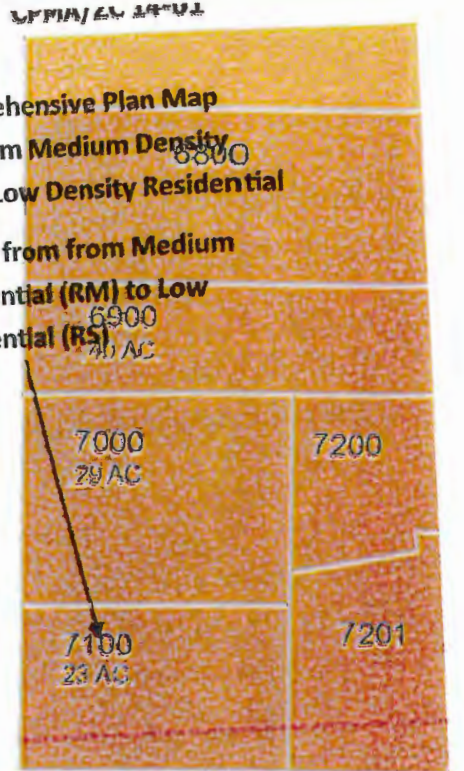
COLLEGE ST



Change Comprehensive Plan Map designation from Medium Density Residential to Low Density Residential

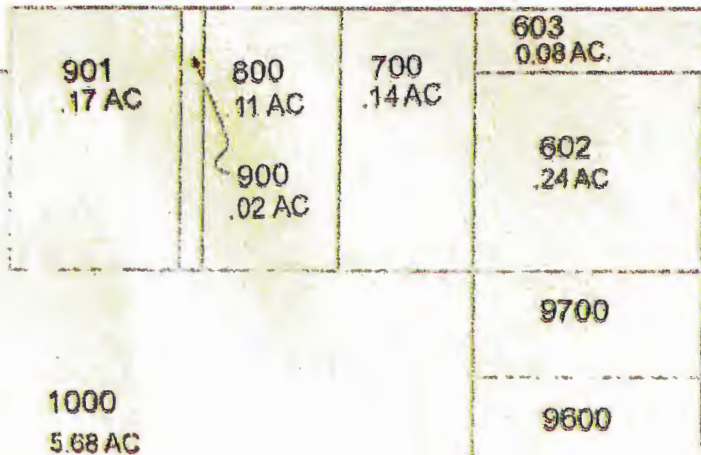
Change zoning from from Medium Density Residential (RM) to Low Density Residential (RS)

MONMOUTH ST



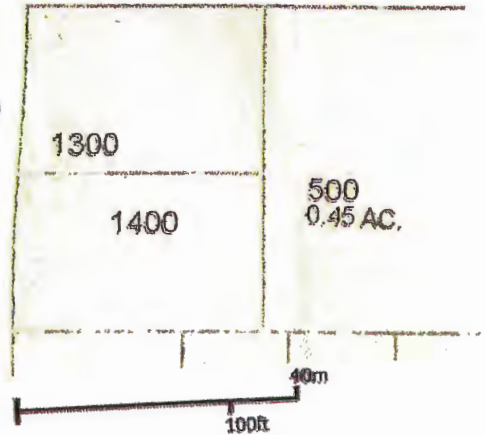
GWINN

STREET



9800

S



4-14-2015



Exhibit 3

March 31, 2015

TO: City Council

FROM: Mark Fancey, Community Development Director

Staff Report: Comprehensive Plan Map Amendment/Zone Change 14-01

On December 18, 2014, the City received a Comprehensive Plan Map Amendment/Zone Change request from Ruth and Graham Everitt, the applicants.

ENCLOSURES:

- Exhibit A: Applicants' submittal
- Exhibit B: Aerial photo of the subject property
- Exhibit C: Comprehensive Plan Map & Zoning

REQUEST: Comprehensive Plan Map Amendment/Zone Change (CPMA/ZC 14-01), would amend the Comprehensive Plan Map designation from Medium Density Residential to Low Density Residential and change the zoning from Medium Density Residential (RM) to Low Density Residential (RS) for the property located at 184 Gwinn Street W. and 575 Monmouth Avenue S. The property is approximately 10,120 square feet in size and is developed with two single-family residences. The property is identified as Assessor Map Number 8525DA, Tax Lot 7100. The applicants' submittal is included as Exhibit A.

PROCESS: For Comprehensive Plan Map Amendment/Zone Change applications, the Planning Commission conducts a public hearing and forwards a recommendation to the City Council. The City Council then conducts a second public hearing and makes the final decision regarding the request. The Planning Commission conducted a public hearing for Comprehensive Plan Map Amendment/Zone Change 14-01 on March 4, 2015.

BACKGROUND: The subject property is approximately 10,120 square feet in size and is developed with two (2) single-family residences. The property is located at the northeast corner of the intersection of Gwinn Street W. and Monmouth Avenue S. as shown in the aerial photo in Exhibit B.

If the request is approved and the property is designated and zoned Low Density Residential, the applicants intend to partition the property into two 5,000 square foot parcels as allowed in the RS Zone. The parcels could then be sold separately. The current Medium Density Residential zoning for the property has a 7,250 square foot minimum lot size, which does not allow the property to be partitioned.

Surrounding Land Uses: The subject property is located on the north side of Gwinn Street W. Although this area is designated and zoned Medium Density Residential, the majority

of the properties in the immediate vicinity are developed with single-family residences. This includes properties to the west, across College Street S., which are also designated Medium Density Residential, and properties to the south across Gwinn Street W. that are designated Low Density Residential.

Several multi-family developments located in the vicinity were originally developed with single-family residences and later converted to multi-family use. This includes single-family residences converted to multi-family structures located on Tax Lot 7000, north of the subject property and on Tax Lot 5400 across Monmouth Avenue S., northwest of the subject property. Tax Lot 7300 located approximately 100 feet east of the subject property is developed with a single-family residence and a duplex.

Several more recent multi-family developments are also located in the area. These include Tax Lot 6800 located approximately 150 feet north of the subject property, which is developed with five (5) multi-family residential units. Tax Lot 7400, located approximately 200 feet east of the subject property. That property is zoned High Density Residential and is developed with 12 multi-family residential units.

Review Criteria: In order to approve this request, the City must make findings that the proposed Comprehensive Plan Map Amendment/Zone Change and meets the standards of Zoning and Development Ordinance Sections 90.330 and 90.325:

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.

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. 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.

DISCUSSION: This proposal would amend the Comprehensive Plan Map designation for the subject property from Medium Density Residential to Low Density Residential and change the zoning from Medium Density Residential (RM) to Low Density Residential (RS).

Regarding the review criteria for Comprehensive Plan Map amendments and zone changes, the applicants state that criteria 90.330 A.1. and 90.225 A.1. are applicable to this request:

90.330 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;

90.325 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;

The subject property is approximately 10,120 square feet and size and is developed with two single-family residences. The residences are addressed as 184 Gwinn Street W. and 575 Monmouth Avenue S. Polk County Assessor records show that both of the single-family residences on the property were constructed in 1950, prior to the adoption of zoning by the City of Monmouth. The subject property and other properties in the area north of Gwinn Street W. were originally designated Low Density Residential in 1967. The area was re-designated Medium Density Residential in the 1978 Comprehensive Plan. Comprehensive Plan and zoning designations for the area used Gwinn Street W. as a demarcation line. The area north of Gwinn Street S. was designated Medium Density Residential and the area to the south designated Low Density Residential.

The area north of the Gwinn Street W. and College Street S. intersection is developed with older homes constructed primarily during the period from 1900 to 1955. As shown in Exhibit C, the area also has a number of lots larger than 0.25 acre (10,800 square feet). (Note that adjacent tax lots 7200 and 7201, located east of the subject property, were formerly a 0.42 acre property that was partitioned in 1995.)

Several of the multi-family residences in this area were constructed between 1970 and 1990 on larger lots that contained an older dwelling. Tax Lot 7300 located approximately 100 feet east of the subject property is developed with a single-family residence constructed in 1955 and a duplex constructed in 1970. Tax Lot 5400 across Monmouth Avenue S., northwest of the subject property is developed with a small residence constructed in 1940 and a residence constructed in 1984 that was converted to three (3) units. Tax Lot 700 located north of the subject property includes two (2) single-family residences constructed in 1900. One of those residences was later converted with a separate upstairs residence.

The area south of the intersection was primarily developed between 1958 and 2003. Properties along the south side of Gwinn Street S. within 200 feet of the subject property were constructed primarily between 1958 and 1974. Further south is Griffin Estates Subdivision that began development in 1999.

At the time of the 1978 re-designation, the area on the south side of the street included development only along the street frontage. The area further south of Gwinn Street W. included a large vacant area. With Gwinn Street W. as the demarcation line, this area was designated as Low Density Residential primarily to serve future housing needs. This area was later developed as Griffin Estates.

It appears that the intent of the Medium Density designation for properties on the north side of Gwinn Street W. was to encourage infill development on larger lots with older homes. To some degree this has occurred, as some additional residences have been converted for additional units or accessory additional infill units have been constructed. The subject property was fully developed at the time of the re-designation to Medium Density Residential. Given the development of two single-family residences on the property and the property size of approximately 10,000 square feet, it would have been more accurate to have designated the subject property as Low Density Residential.

Staff finds that the Plan designation and zoning for the property are erroneous and the proposed change would correct that error. The application meets criteria 90.330 A.1. and 90.325 A.1.

Regarding criteria 90.330 B. and 90.325 B, consistency with applicable goals and policies of the Comprehensive Plan, Housing Policy 3 is applicable to this request:

3. The City of Monmouth shall ensure that multifamily-zoned lands exist to accommodate multifamily and manufactured home park uses.

Staff finds that the proposed Plan amendment and zone change for a fully-developed property would not impact the availability of land designated for multi-family development. The application meets criteria 90.330 B and 90.325 B.

Regarding criteria 90.330 C. and 90.325 C., adequate public facilities currently serve both residences on the property. Each dwelling has separate water and wastewater service lines and are served by Monmouth Power & Light. Both residences have frontage and access onto public streets.

The application meets criteria 90.330 C. and 90.325 C.

Criteria 90.330 D. and 90.225 D., require a showing that the proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area. As noted in the findings, the property is located in an area with a mixture of residential uses, including a number of single-family residences. The subject property has been developed for single-family use since 1950 consistent with other development in the area and was originally designated Low Density Residential. The proposed Plan amendment would not allow any further development of the property.

Staff finds that proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area. The application meets criteria 90.330 D. and 90.325 D.

CONCLUSION: This request meets the review criteria for Comprehensive Plan Map Amendment/Zone Change applications from Zoning and Development Ordinance Sections 90.330 and 90.325.

RECOMMENDATION: At the conclusion of the Planning Commission's public hearing on March 4, 2015, the Commission voted to recommend that the City Council **approve** Comprehensive Plan Map Amendment/Zone Change 14-01.

DOUTH
STREET
97361

neopost[®]

05/11/2015

US POSTAGE

FIRST-CLASS MAIL

\$01.19⁰



ZIP 97361
041L11249305

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

DEPT OF

MAY 13 2015

LAND CONSERVATION
AND DEVELOPMENT