



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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Salem, Oregon 97301-2540

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: June 24, 2015  
Jurisdiction: City of Monmouth  
Local file no.: CPMA/ZC 15-01  
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/22/2015. 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 36 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](mailto:plan.amendments@state.or.us)

DLCD FORM 2



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

FOR DLCD USE
<b>DEPT OF</b>
File No.:
Received: JUN 22 2015

Local governments are required to send notice of an adopted change to a comprehensive plan and 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 15-01

Date of adoption: 06/16/15

Date sent: 6/18/2015

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): 02/27/15

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 exception was required for this change.	to Low Density Residential	0.65 acres.	A goal exception was required for this
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): 300 Block of Gwinn St. E. 8S4W30CB, Tax Lots 104 & 1701

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 Public Service	to Medium Density Residential	Acres: 0.65
Change from	to	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:
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Location of affected property (T, R, Sec., TL and address): 300 Block of Gwinn St. E. 8S4W30CB, Tax Lots 104 & 1701

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 Identified as )  
Assessor Map Number 8430CD, Tax Lots 104 )  
and 1701 from Public to Medium Density )  
Residential and Amending the Monmouth )  
Zoning Map Designation for Said Parcel from )  
Public Services (PS) to Medium Density )  
Residential (RM); and Declaring an Emergency )

ORDINANCE NO. 1358

WHEREAS, Frank Walker and Associates submitted an application to amend the Comprehensive Plan Map and Zoning Map designation for certain real property located in the 300 block of Gwinn Street E., and identified as Assessor Map Number 8430CD, Tax Lots 104 and 1701, as shown on the map attached hereto as Exhibit 1, and by reference incorporated herein, from Public to Medium Density Residential and to amend the Zoning Map Designation for said parcels from Public Services (PS) to Medium Density Residential (RM); and

WHEREAS, after due notice was provided to the Oregon Department of Land Conservation and Development and the public, on April 1, 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 June 2, 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 Frank Walker and Associates to amend the Comprehensive Plan Map and Zoning Map designation for certain real property located in the 300 block of Gwinn Street E., and identified as Assessor Map Number 8430CD, Tax Lots 104 and 1701, as shown on the map attached hereto as Exhibit 1, and by reference incorporated herein, from Public to Medium

Density Residential and to amend the Zoning Map Designation for said parcels from Public Services (PS) to Medium Density Residential (RM) be, and it hereby is, approved.

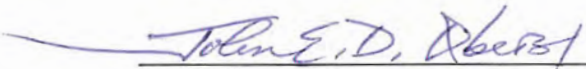
Section 2. The map attached hereto and marked Exhibit 2 is hereby adopted as the amended Comprehensive Plan Map and Zoning Map for said property.

Section 3. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on June 2, 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.

Section 4. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: June 16, 2015  
Read for the second time: June 16, 2015  
Adopted by the City Council: June 16, 2015  
Approved by the Mayor: June 16, 2015

ATTEST:

  
\_\_\_\_\_  
John E. D. Oberst, Mayor

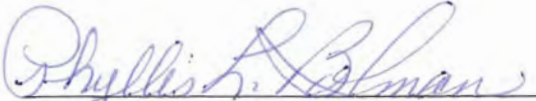
  
\_\_\_\_\_  
Phyllis L. Bolman, City Recorder

Exhibit 1

8.4.30CB

POLK COUNTY MAP

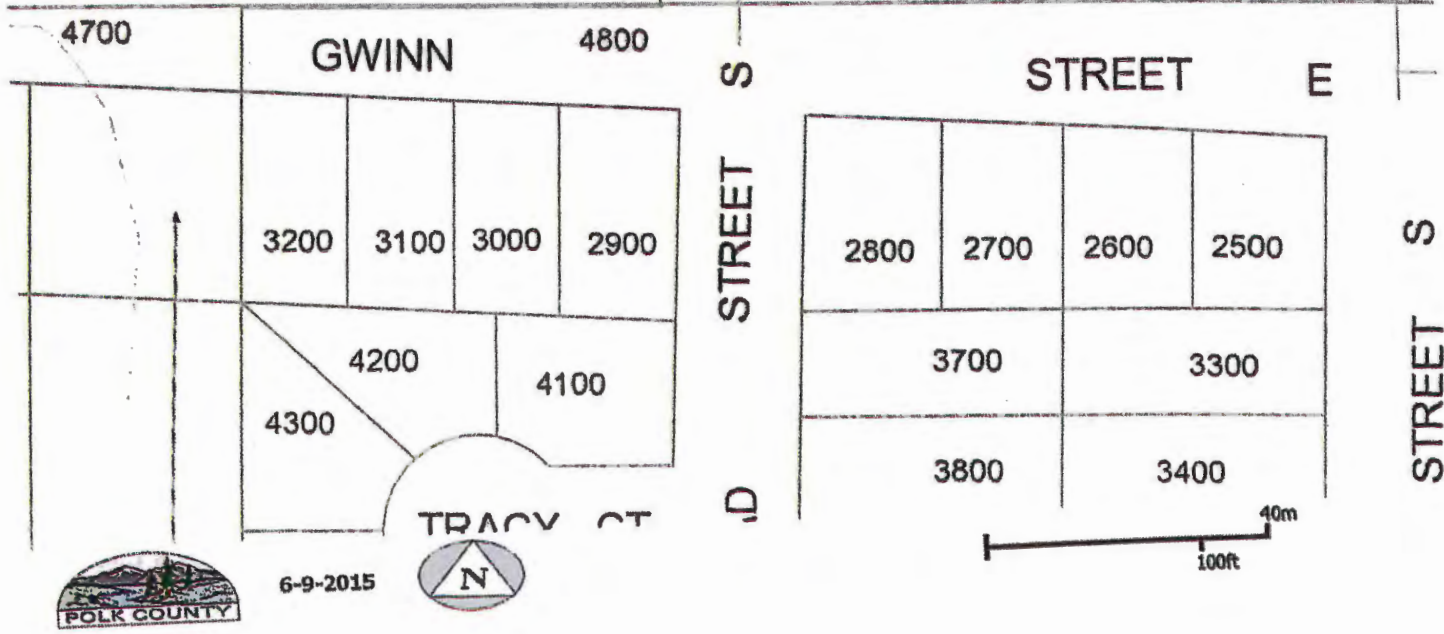
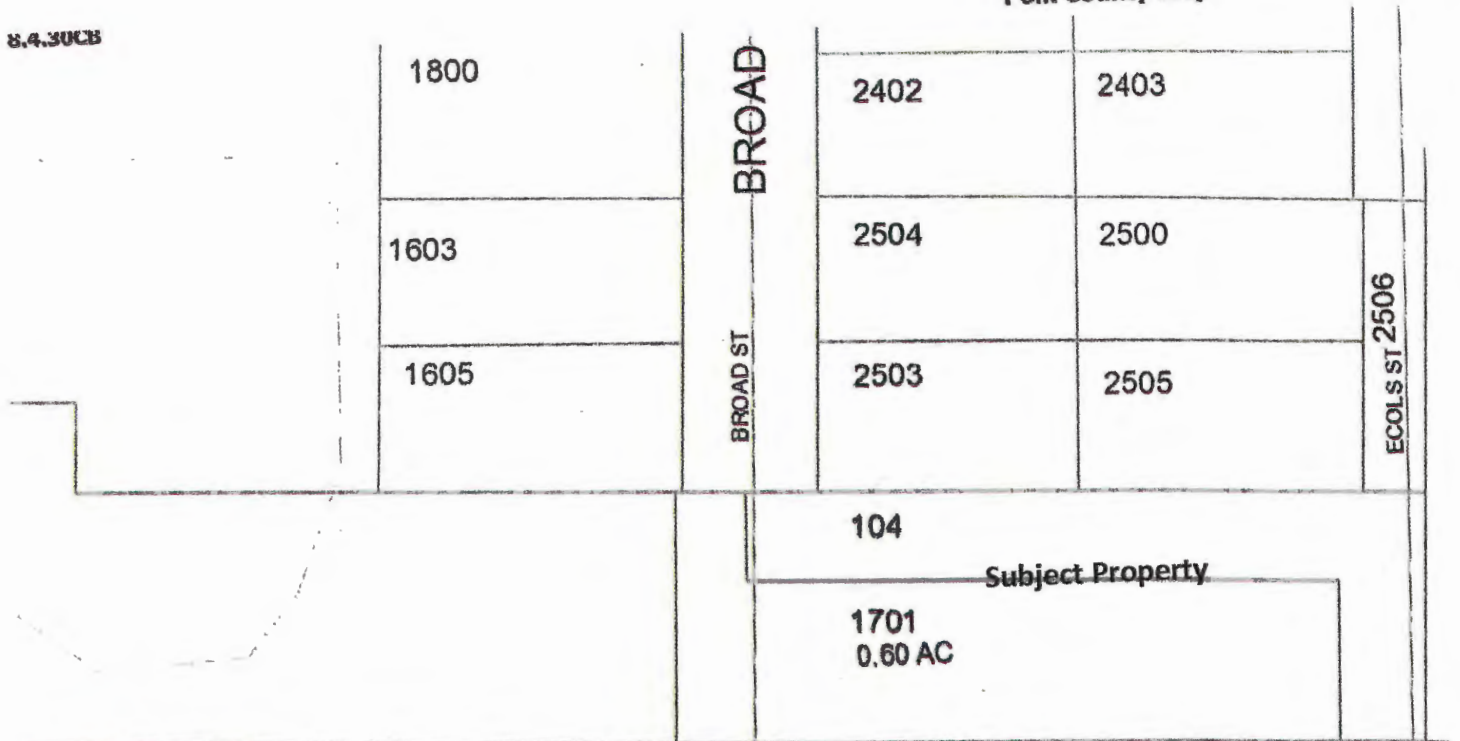
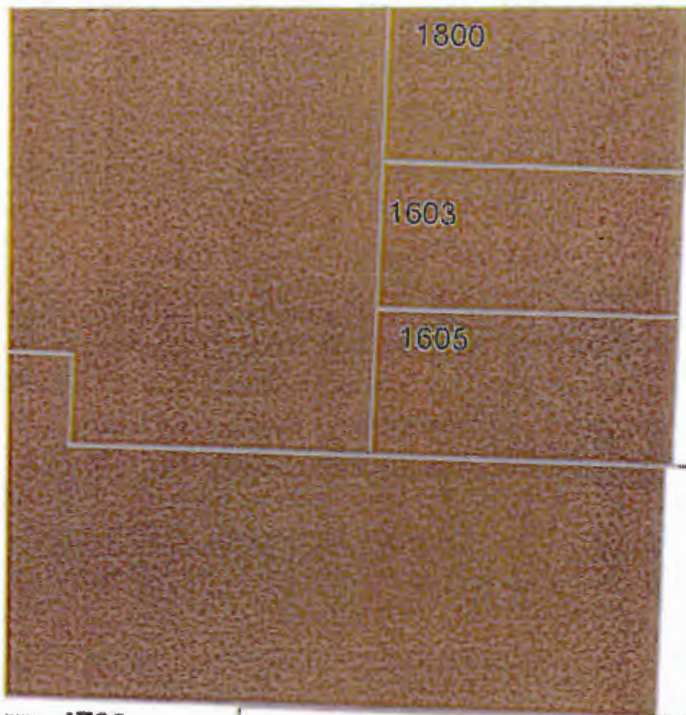
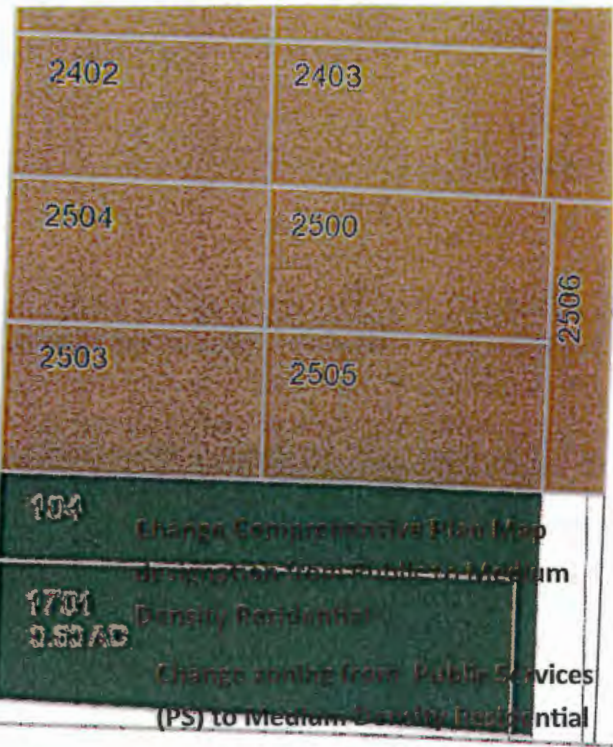


Exhibit 2

8.4.30CB



POLK County Map

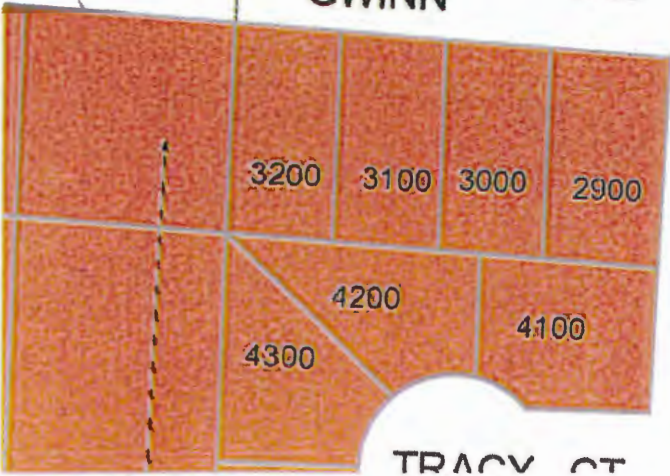


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4700

GWINN

4800



STREET

E



STREET  
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STREET



6-9-2015



### Exhibit 3

May 26, 2015

**TO:** City Council

**FROM:** Mark Fancey, Community Development Director

**Staff Report:** Comprehensive Plan Map Amendment/Zone Change 15-01

On February 20, 2015, the City received a Comprehensive Plan Map Amendment/Zone Change request from Frank Walker and Associates, the applicants.

#### **ENCLOSURES:**

- Exhibit A: Aerial photo of the subject property
- Exhibit B: Current parcel configuration
- Exhibit C: Surrounding Area Comprehensive Plan Map Designations and Zoning
- Exhibit D: Applicants' submittal

**REQUEST:** Comprehensive Plan Map Amendment/Zone Change (CPMA/ZC 15-01), would amend the Comprehensive Plan Map designation from Public to Medium Density Residential and change the zoning from Public Services (PS) to Medium Density Residential (RM) for the property located in the 300 block of Gwinn Street E. The property is bordered on three sides by Ecols Street S. (east), Gwinn Street E. (south), and Broad Street S. (west). The property is identified as Assessor Map Number 8430CD, Tax Lots 104 and 1701. An aerial photo of the property is included as Exhibit A.

The property formerly contained a switching station for Monmouth Power & Light. The property is approximately 0.65 acres (28,314 square feet) in size and is vacant. The City of Monmouth has recently dedicated portions of the subject property as necessary right-of-way for Ecols Street S., Gwinn Street E., and Broad Street S. The current parcel configuration is shown in Exhibit B. (Note: The reconfigured property differs from the aerial photo included as Exhibit A, as the property has not yet been re-mapped by the Polk County Assessor.)

Exhibit C shows the Comprehensive Plan Map designations and zoning for the subject property and surrounding area.

The property has recently been sold by the City of Monmouth (note the sale is contingent upon approval of a Comprehensive Plan Map Amendment/Zone Change request). Frank Walker & Associates has submitted the application on behalf of the new owners. The applicant's submittal is included as Exhibit D.

**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. At the conclusion of the Planning Commission's public hearing on April 1, 2015, the Commission voted to recommend that the City Council **approve** Comprehensive Plan Map Amendment/Zone Change 15-01.

**BACKGROUND:** The subject property is approximately 0.65 acres (28,314 square feet) in size and is vacant. The site was formerly the location of a switching station for Monmouth Power & Light. That facility was replaced by a substation facility located south of the subject property at the end of Ecols Street S.

If the request is approved and the property is re-designated Medium Density Residential, the applicants intend to submit a request to subdivide the property into four (4) lots that would be developed with duplexes. The applicant has not yet submitted the subdivision application.

**Surrounding Land Uses:** The subject property is located on the north side of Gwinn Street E. This area is designated and zoned Medium Density Residential. Duplexes are located on the majority of the properties in the immediate vicinity.

Duplexes are located on two lots directly north and east of the property on Ecols Street S. (Tax Lots 2500 and 2505).

The property east of the subject property across Ecols Street S. (Tax Lot 3100) is developed with five (5) duplexes and is also designated and zoned Medium Density Residential. Further east is the Brookdale (formerly Heron Pointe) retirement and care facility. That property is designated as Commercial and is zoned Commercial Highway (CH).

The area south and southwest of the subject property across Gwinn Street E. is designated and zoned High-Density Residential. That area was approved for a 22-lot duplex subdivision in 2006. Sixteen of the lots have now been developed. Note the 2011 aerial photo included as Exhibit A shows two lots in the subdivision - Tax Lots 2700 and 2800, as vacant. These lots have since been developed with duplexes.

The property to the west across Broad Street (Tax Lot 1700) is designated and zoned Medium Density Residential. The property is approximately 1.58 acres in size and contains a single-family residence. This property is available for further residential development and could accommodate a total of 19 dwelling units. Adjacent to that property to the north is a manufactured home park that has been developed at a density of 12 units per acre.

Single family residences are located on the properties directly north and west of the subject property on Broad Street S. (Tax Lots 2503 and 2504). Other single-family residences are located to the northwest of the property across Broad Street S.

The area southeast of the subject property across Gwinn Street E. is designated as Industrial and is zoned General Industrial (GI). The property is the Rosemead Subdivision that is

partially developed with one (1) industrial building and the Monmouth Power & Light substation facility.

**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 Public to Medium Density Residential and change the zoning from Public Service (PS) to Medium Density Residential (RM).

Regarding the review criteria for Comprehensive Plan Map amendments and zone changes, the applicants state the application meets all of the review criteria under 90.330A and 90.225A.

Regarding criteria 90.330 A1 and 90.225 A1, the subject property was owned and developed as a City of Monmouth facility. As such, the Public designation and Public Services (PS) zoning were appropriate for the property. With the removal of the switching station facility and subsequent sale of the property by the City of Monmouth, the current designation and zoning are erroneous.

The Comprehensive Plan Map designation is also no longer appropriate for the property. This designation is described in the Comprehensive Plan as follows: "These areas include lands in public or semi-public ownership such as the City-owned property and uses, Western Oregon University Campus, and Central School District sites. The Public Services (PS) and Public Service College (PSC) zones implement the Public Plan Map Designation."

Retaining the current zoning would not be consistent with the intent of the purpose statement from the Public Services (PS) Zone, Zoning and Development Ordinance Section 94.005 which states: "The purpose of the Public Services (PS) Zone is to define and protect areas suitable for structures and uses owned or operated by governmental agencies or for public uses and facilities serving the general community."

With the removal of the switching station facility and subsequent sale of the property by the City of Monmouth, the current designation and zoning are erroneous and the Plan Map amendment and zone change would correct the error.

Regarding criteria 90.330 A2 and 90.225 A2, the proposed change is also consistent with changing conditions in the area. Duplex dwellings comprise a majority of the housing in the surrounding area. Lot sizes for duplex lots in the area range from 5,094 square feet to

9,350 square feet. The proposed development of four (4) duplex lots at approximately 7,092 square feet per lot is consistent scale and density consistent of recent development in the surrounding area.

The applicant states that there is a public need for the land use of the kind for which the Plan amendment and zone change and that the change can best be met by change as required under criteria 90.330 A3 and 90.225 A3.

The application includes generalized statements regarding trends that are driving construction of higher density housing, but does not provide any quantitative data. The applicant cites recent development of apartments in the cities of Molalla, Independence, and north Monmouth as examples of public need for higher density development, but does not provide any substantive construction or housing information from Monmouth to support the claims that there is a public need that can best be met by the proposed change.

The application states that enrollment at Western Oregon University (WOU) has increased 300 percent since 1982 and that the campus housing program is full and additional multi-family housing is needed in the community to provide for handle “overflow” student housing. The application does not provide any recent enrollment trends and does not include any verification regarding the availability of campus housing.

The applicant notes that 2001 Buildable Lands Inventory from the Comprehensive Plan shows 16.29 acres of buildable Medium Density Residential Land and that the proposed change would increase the amount of buildable Medium Density Residential land by 5.95 percent. The applicant does not demonstrate how that change addresses a public need best met by the proposed change.

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 A1 and 90.325 A1.

Staff finds that the proposed changes are consistent with changing conditions in the surrounding area and the application meets criteria 90.330 A2 and 90.325 A2.

Regarding criteria 90.330 B and 90.325 B, consistency with the applicable goals and policies of the Comprehensive Plan, the applicant’s submittal includes statements as to how application meets numerous goals and policies from the Comprehensive Plan.

Staff finds that the housing goal and Housing policies 1 and 3 are relevant to this request

Goal: To insure the existing and future residents of Monmouth the opportunity to live in safe and healthful housing and to provide a choice of housing types and densities.

Policies

1. The City of Monmouth shall encourage development of housing that meets the needs of all income groups of existing and future residents.
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 provides additional land for medium density residential development. In the past year, single-family residential subdivisions and higher density residential complexes have been planned for land in Monmouth. The proposed change addresses a different segment of the multifamily housing market consistent with the Housing Goal and Housing Policies 1 and 3. The application meets criteria 90.330 B and 90.325 B.

Regarding criteria 90.330 C and 90.325 C, adequate public facilities are available to serve the property. A sidewalk is present on the Ecols Street S. property frontage. Additional sidewalks would be constructed on the Gwinn Street E. and Broad Street S. frontages, at the developer's expense, as a condition of development. Gwinn Street E. is defined as a Minor Collector street in the City's Transportation System Plan. Development of the property with four (4) duplex units would not produce traffic impacts (approximately 80 Average Daily Trips) that would exceed the capacity of Gwinn Street E.

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 describing the surrounding area, the property is located in an area that is designated and zoned Medium Density Residential and High Density Residential. A number of duplexes, such as those planned for the subject property, have been developed in the area surrounding the subject property. Designation of the property as proposed and subsequent development with four (4) duplex lots would be consistent with the density and pattern of development in the area.

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:** Staff recommends that the Planning Commission recommend that the City Council **APPROVE** Comprehensive Plan Map Amendment/Zone Change 15-01 based on the information in this report.

**PLANNING COMMISSION ACTION:**

A. A motion to recommend that the City Council approve Comprehensive Plan Map Amendment/Zone Change 15-01:

1. As recommended by staff and as presented in the staff report, including the findings of fact, or
2. As further amended by the Planning Commission (stating any revisions).

B. A motion to recommend that the City Council deny Comprehensive Plan Map Amendment/Zone Change 15-01 (stating how the application does not meet the required standards).

C. A motion to continue the hearing to a date certain, stating the date.

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DEPT OF

JUN 22 2015

LAND CONSERVATION  
AND DEVELOPMENT

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