



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 15, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Philomath Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 2, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Thomas Hogue, DLCD Policy Analyst
Jim Minard, City of Philomath

<paa> ya

DEPT OF DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

AUG 13 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF PHYLomATH Local File No.: PC 08-02 (If no number, use none)

Date of Adoption: 8-11-08 (Must be filled in) Date Mailed: 8-12-08 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4-8-08

Comprehensive Plan Text Amendment [] Comprehensive Plan Map Amendment [X]

Land Use Regulation Amendment [] Zoning Map Amendment [X]

New Land Use Regulation [] Other: []

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

AMEND THE PLAN AND ZONING FROM INDUSTRIAL TO HIGH DENSITY RESIDENTIAL

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: INDUSTRIAL to HIGH DENSITY RESIDENTIAL

Zone Map Changed from: Heavy Indust. to " " "

Location: 403 N. 13th ST Acres Involved: 1.14

Specify Density: Previous: NA New: 7/AC

Applicable Statewide Planning Goals: 9, 10

Was an Exception Adopted? Yes: [] No: [X]

DLCD File No.: 002-08 (16825)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: ___ No: X

If no, do the Statewide Planning Goals apply.

Yes: ___ No: X

If no, did The Emergency Circumstances Require immediate adoption.

Yes: ___ No: X

Affected State or Federal Agencies, Local Governments or Special Districts: NONE

Local Contact: Jim Minard Area Code + Phone Number: (541) 929-6148

Address: P.O. Box 400

City: Philomath OR Zip Code+4: 97370

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF PHILOMATH
ORDINANCE NO. 749**

AN ORDINANCE AMENDING THE PHILOMATH COMPREHENSIVE PLAN MAP AND AMENDING THE PHILOMATH ZONING MAP TO CHANGE THE DESIGNATION FOR PROPERTY DESCRIBED AS PARCELS 1 AND 2 OF PARTITION PLAT 2004-028, AND MODIFYING ORDINANCE #720.

WHEREAS, the owners of those certain properties identified as Parcels 1 and 2 of Partition Plat 2004-028, within the City of Philomath have proposed to change the Comprehensive Plan Designation for their properties from Industrial to High Density Residential and the zone from Heavy Industrial to Multi-Family Residential; and

WHEREAS, Ordinance #720 adopted and approved the Philomath Comprehensive Plan Map and the Philomath Zoning Map; and

WHEREAS, the City Council of the City of Philomath held a duly noticed public hearing on the proposed Comprehensive Plan and zone change; and

WHEREAS, the Planning Commission of the City of Philomath had recommended that the City Council approve the proposed Comprehensive Plan and zone change; and

WHEREAS, following the public hearing, the City Council deliberated and found that the proposed changes met the required criteria and approved the proposed changes; now therefore:

THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1: The City of Philomath Comprehensive Plan Map, adopted through Ordinance #720, as amended, shall be amended so that the property designated as Partition Plat 2004-028 Parcels 1 and 2, formerly designated as "Industrial" will be designated as "High Density Residential".

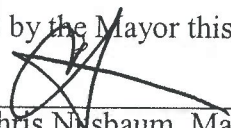
Section 2: The City of Philomath Zoning Map, adopted through Ordinance #720, as amended, shall be amended so that the properties designated as Partition Plat 2004-028 Parcels 1 and 2, formerly zoned "Heavy Industrial" will be zoned as "Multi-Family Residential".

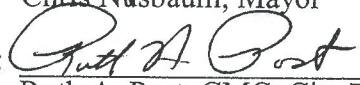
Section 3: The Planning Official shall make such changes to the City of Philomath Comprehensive Plan Map and the City of Philomath Zoning Map as are required to implement this amending ordinance.

Section 4: The Planning Official shall keep a record of this amendment in a place convenient to the public to memorialize this amending ordinance.

PASSED by the Council this 11th day of August 2008.

APPROVED by the Mayor this 11th day of August 2008.

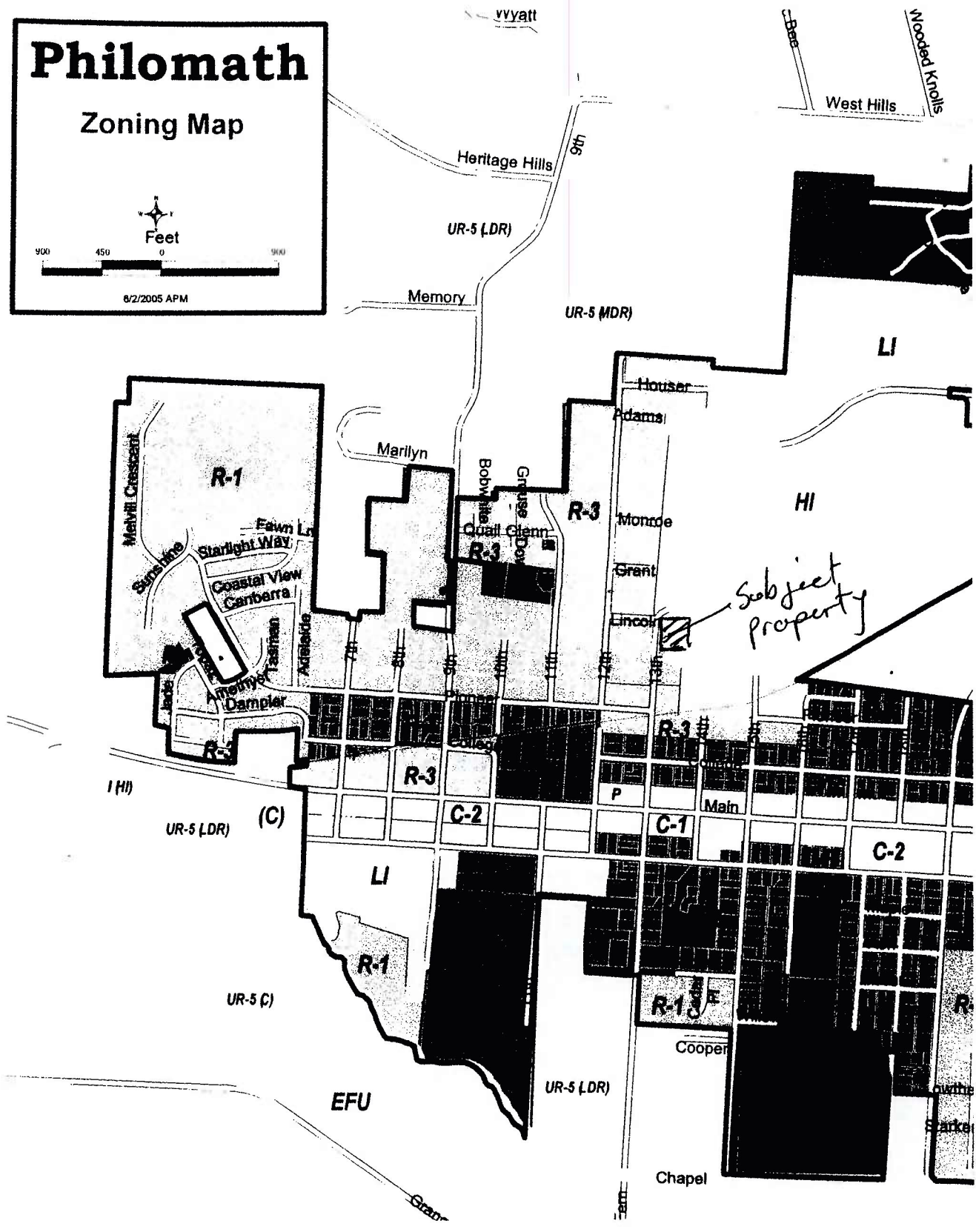
SIGNED: 
Chris Nusbaum, Mayor

ATTEST: 
Ruth A. Post, CMC, City Recorder

Philomath Zoning Map



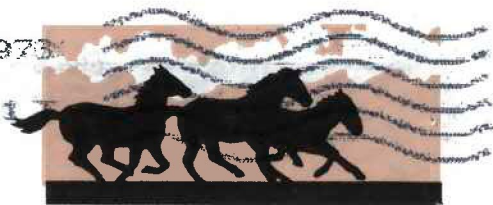
6/2/2005 APM



CITY OF PHILOMATH
PLANNING DEPARTMENT
P. O. BOX 400
PHILOMATH, OR 97370-0400

SALEM OR 973

12 AUG 2008 PM 1



USA 41

Plan Amendment Specialist

DLCD

635 Capitol St. NE, Ste 150

Salem OR 97301-2540

9730142540

