



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 11, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Madras Plan Amendment
DLCD File Number 005-06



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 27, 2006

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. 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.**

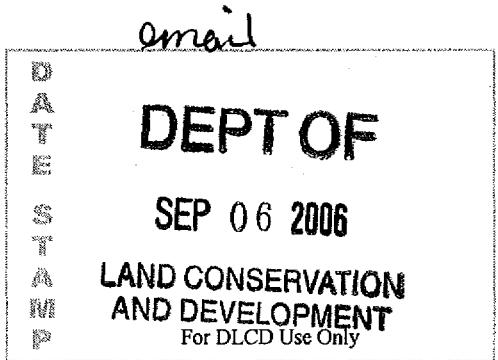
cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Chuck McGraw, City of Madras

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2 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



Jurisdiction: City of Madras Local file number: RZ-06-1
Date of Adoption: 4/25/2006 Date Mailed: 9/6/2006
Date original Notice of Proposed Amendment was mailed to DLCD: _____

- 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".
Rezone 5.+3 from Single Family Residential (R-1) to Planned Residential Development (R-3) to allow future residential development at the higher densitites provided by the R-1 zone

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".
N/A

Plan Map Changed from: R-1 to: R-3
Zone Map Changed from: R-1 to: R-3
Location: 11-13-1 DB #300, 400, 500 Acres Involved: 5.+3
Specify Density: Previous: 7500 sq Ft Lots New: 6000 Sq Ft lots
Applicable Statewide Planning Goals: 10

Was and Exception Adopted? YES NO

DLCD File No.: 005-06 (14982)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) 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

Affected State or Federal Agencies, Local Governments or Special Districts:

DLCD

Local Contact: **Chuck McGraw** Phone: **(541) 475-3388** Extension: _____

Address: **71 SE D Street** City: **Madras OR**

Zip Code + 4: **97741-** Email Address: **cmcgraw@ci.madras.or.us**

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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 759

AN ORDINANCE AMENDING THE CITY OF MADRAS COMPREHENSIVE PLAN AND ZONE MAP, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Madras adopted its Comprehensive Plan and Zone Map in 1970 whereby Plan Designations and Zones were adopted to regulate growth within the City's Urban Growth Boundary; and

WHEREAS, the applicant is requesting a re-zone of the subject 5.3± acres from Single-Family Residential (R-1) to Planned Residential Development (R-3) to allow future residential development at the higher densities provided by the R-1 zone; and

WHEREAS, the proposed amendments were presented to the City of Madras Planning Commission on March 1, 2006 for review through the public hearing process; and

WHEREAS, the Planning Commission found that the application supports the conclusion that the proposal is in conformance with Statewide Planning Goal 10. It is found that the City of Madras complied with this goal during periodic review in 2003 by incorporating the findings of a housing study titled: "Residential Land Needs Analysis" by Kittelson and Associates, Inc. (in 1998 and updated 2001); and

WHEREAS, the Planning Commission found that the application shows that there is a demonstrated need for the proposed change because there has been a change in circumstances that warrants increased levels of density at this time. The specific change is that a recent buildable lands analysis shows that Madras currently does not have enough land zoned for high density residential development. The proposed zone change will help address this shortage; and

WHEREAS, the Madras City Council held a public hearing on the proposed zone change on March 28, 2006; and

WHEREAS, the City Council found that the application supports the conclusion that the proposal is in conformance with Statewide Planning Goal 10. It is found that the City of Madras complied with this goal during periodic review in 2003 by incorporating the findings of a housing study titled: "Residential Land Needs Analysis" by Kittelson and Associates, Inc. (in 1998 and updated 2001); and

WHEREAS, the City Council finds that the application shows that there is a demonstrated need for the proposed change because there has been a change in circumstances that warrants increased levels of density at this time. The specific change is that a recent buildable lands analysis shows that Madras currently does not have enough land zoned for high density residential development. The proposed zone change will help address this shortage.

NOW, THEREFORE, the City of Madras ordains as follows:

SECTION 1: The City of Madras Comprehensive Plan and Zone Map shall be amended to re-zone the subject property identified on the Jefferson County Assessor's Map as T11, R13, Section 1DB, Tax Lots 300, 400 and 500, further described in attached Exhibit "A", from Single Family Residential (R-1) to Planned Residential Development (R-3), and the Findings of Fact in support of the amendment, attached hereto as Exhibit "B", be incorporated herein.

SECTION 2: **SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3: **AMENDMENT**

This ordinance may be amended or repealed as provided by law.

SECTION 4: **CORRECTIONS**

This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

SECTION 5: **EMERGENCY CLAUSE**

The City Council of the City of Madras, having reviewed the Comprehensive Plan of the City of Madras, and the need for enactment of ordinances to regulate land use within the City does

hereby determine that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Madras and an emergency is hereby declared to exist, and this Ordinance shall become in full force and effect from and after the date it is enacted and signed by the Mayor.

ADOPTED by the City Council of the City of Madras this 25th day of April, 2006.

Ayes: 6
Nays: 0
Abstentions: 0
Absent: 0
Vacancies: 0



Frank E. Morton, Mayor

ATTEST:



Karen J. Coleman, City Recorder

EXHIBIT A

Legal Description

PARCEL I: Beginning at the Southeast corner of the Northwest quarter of the Southeast quarter, Section 1, Township 11 South, Range 13 East of the Willamette Meridian, Jefferson County, Oregon; thence North $89^{\circ} 33' 58''$ West along the South line of said quarter quarter, 589.83 feet; thence North $00^{\circ} 04' 00''$ East 386.11 feet; thence South $89^{\circ} 56'$ East 589.87 feet to the East line of said quarter quarter; thence South $00^{\circ} 04' 29''$ West 389.89 feet to the Point of Beginning.

EXCEPT:

Commencing at the Southeast corner of the Northwest quarter of the Southeast quarter of Section 1, Township 11 South, Range 13 East of the Willamette Meridian, Jefferson County, Oregon; thence along the South line of said quarter quarter North $89^{\circ} 33' 58''$ West 297.50 feet to the True Point of Beginning; thence continuing along the South line of said quarter quarter North $89^{\circ} 33' 58''$ West 142.33 feet, thence North $00^{\circ} 26' 02''$ East 210.46 feet, thence South $78^{\circ} 23' 04''$ East 145.08 feet, thence South $00^{\circ} 26' 02''$ West 182.33 feet to the True Point of Beginning.

PARCEL II: A parcel of land located in the Northwest quarter of the Southeast quarter, Section 1, Township 11 South, Range 13 East of the Willamette Meridian, more particularly described as follows:

Commencing at the Southeast corner of the Northwest quarter of the Southeast quarter of said Section 1; thence along the South line of said Northwest quarter of the Southeast quarter, North $89^{\circ} 33' 58''$ West 297.50 feet to the true point of beginning; thence continuing along the South line of said Northwest quarter of the Southeast quarter, North $89^{\circ} 33' 58''$ West, 142.33 feet; thence North $00^{\circ} 26' 02''$ East 210.46 feet; thence South $78^{\circ} 23' 04''$ East, 145.08 feet; thence South $00^{\circ} 26' 02''$ West 182.33 feet to the true point of beginning.

CITY OF MADRAS PLANNING COMMISSION'S
FINDINGS AND RECOMMENDATION

REQUEST: Re-zone the subject 5.3± acres from Single Family Residential (R-1) to Planned Residential Development (R-3) to allow future residential development at the higher densities provided by the R-1 zone.

FILE NUMBER: RZ -06-1

**APPLICANT/
OWNER:** Gary Allen, PO Box 303, Redmond, OR 97756

DATE: February 21, 2006

APPLICABLE ORDINANCE PROVISIONS

1. City of Madras Comprehensive Plan, Administrative Procedures,
-Quasi-judicial Revision

EXHIBITS

1. Application, burden of proof statement, and all other materials submitted by the applicant.
2. Vicinity Map
3. Notice to adjoining property owners dated February 3, 2006.

FINDINGS OF FACT

1. **Location:** The subject property is located at the northwest corner of the intersection of NE Oak Street and NE Kinkade Street and is further described as being T11. R13, Section 1DB, tax lots 300, 400 & 500.
2. **Zone, Map and Comprehensive Plan Designation:** The property is zoned Single Family Residential (R-1) on the City of Madras Comprehensive Plan and Zoning Map.
3. **Site Description and Surrounding Land Uses:** The subject property is relatively flat and is currently undeveloped. The properties to the east, south and west are all zoned R-1. The property to the east and south are currently undeveloped; the property

immediately to the west is developed with single family residences. The property to the north is zoned Planned Residential Development (R-3), and is currently being developed with the subdivision called Morning Crest.

4. **Proposal:** Change the existing Comprehensive Plan and Zone Map designation of the property from Single Family Residential (R-1) to Planned Residential Development (R-3) so that the subject 5.3± acres can be for a higher density residential subdivision.
5. **Agency and Neighbor comments:** Staff didn't receive comments from any of the affected agencies or any of the surrounding property owners.

CONCLUSIONARY FINDINGS:

1. ADMINISTRATIVE PROCEDURES.

In order to submit a favorable recommendation for the proposed change to the City Council, the Planning Commission shall establish the compelling reasons and make a finding of fact for the proposed change. These include:

1. The proposed change will be in conformance with statewide planning goals.
2. There is a demonstrated need for the proposed change.

FINDING:

The Statewide Planning Goals applicable to this proposal are Goal 2 (Land Use Planning) and Goal 10 (Housing).

The application states that this proposal for rezone is in conformance with Statewide Planning Goal 2 because the project takes place within the City of Madras, according to the land use designations as defined in the local Comprehensive Plan. The zoning designation proposed is one existing in the Madras Code, and consistent with higher urban levels of development.

The Planning Commission finds that the applicants Burden of Proof Statement supports the conclusion that the application is in conformance with Statewide Planning Goal 2. The City of Madras has an acknowledged Comprehensive Plan as required by Goal 2. This plan was prepared according to the guidelines set forth under Goal 2. These guidelines include collecting necessary factual information; gradual refinement of the problems and issues and the alternative solutions and strategies for development; incorporation of citizen's needs and desires and development of broad citizen support and identification and resolution of possible conflicts with plans of affected governmental units.

The factual base of the plan included data on the natural resources, their capabilities and limitations; man-made structures and their utilities, their location and condition; population and economic characteristics of the city and the roles and responsibilities of governmental units.

Utilizing the guidelines and factual data, the subject property was designated for residential

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Oaklynn Construction

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purposes at a residential density of R-1.

The Planning Commission concurs with the applicant's statement that the area now has the available public utilities and services to warrant higher densities than the existing Single Family Residential (R-1) affords.

The Planning Commission finds that application supports the conclusion that the proposal is in conformance with Statewide Planning Goal 10. It is found that The City of Madras complied with this goal during periodic review in 2003 by incorporating the findings of a housing study titled: "Residential Land Needs Analysis" by Kittelson and Associates, Inc. (in 1998 and updated 2001).

Staff pointed to the June 2003 periodic review update to the Comprehensive Plan which included the subject property to be designated residential, in order to meet the need for housing identified in the report. As this designation was in response to a periodic review work task, in order to make the plan comply with Goal 10, staff concurs that it is consistent to zone this land at an urban-level of density to achieve the designation of the Plan, and hence, satisfy Goal 10.

The proposed plan designation for this property will allow a higher density that will meet Madras' housing needs. This proposal for rezone is on lands already annexed into the City of Madras, to obtain a level of housing available to satisfy the statewide Goal for housing in urban areas.

The Planning Commission finds that the application shows that there is a demonstrated need for the proposed change because there has been a change in circumstances that warrants increased levels of density at this time. The specific change is that a recent buildable lands analysis shows that Madras currently does not have enough land zoned for high density residential development. The proposed zone change will help address this shortage.

RECOMMENDATION

The Planning Commission recommends that the City Council approve the proposed Plan and Zone Map amendment to re-zone the subject property from Single Family Residential (R-1) to Planned Residential Development (R-3), and adopting the Conclusionary Findings in support of the Plan and Zone Map amendment.

If the City Council approves the proposed plan and zone change request, staff will bring an ordinance back to the City Council for adoption.

