



# 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

October 2, 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 009-06



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: October 17, 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.**

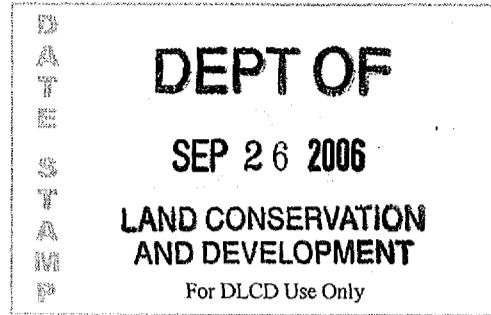
cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Chuck McGraw, City of Madras

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**PROF 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-06-5  
Date of Adoption: 9/12/2006 Date Mailed: 9/26/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 5/22/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

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

**The City of Madras amended re-designate and rezone approximately 9 acres from R-1 (Single Family Residential) to R-2 (Multi-Family 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: Single Family Residential to: Multi-Family Residential  
Zone Map Changed from: R-1 to: R-2  
Location: North Unit subdivision Acres Involved: 9  
Specify Density: Previous: 1/7,500 sq. ft. New: 1/7,500 sq. ft.  
Applicable Statewide Planning Goals: 10 Housing

Was and Exception Adopted?  YES  NO

DLCD File No.: 009-06 (15250)

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**

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Local Contact: **Chuck McGraw**      Phone: **(541) 475-3388**      Extension: \_\_\_\_\_  
Address: **71 SE D Street**      City: **Madras**  
Zip Code + 4: **97741-1685**      Email Address: **cmcgraw@ci.madras.or.us**

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### **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.

**COPY**

**ORDINANCE NO. 776**

**AN ORDINANCE AMENDING THE CITY OF MADRAS COMPREHENSIVE PLAN AND ZONE MAP FOR THE REZONE OF APPROXIMATELY 9 ACRES FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-2 (MULTI-FAMILY RESIDENTIAL), 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, the City of Madras, at the recommendation of the City's Community Development Department, proposed to rezone approximately 9 acres of land, more particularly described as Assessor's Map #11-13-1BA, Tax Lots #100, #200, #300, #400, #500, #501, #502, #600 and #700 from R-1 (Single-Family Residential) to R-2 (Multi-Family Residential); and

**WHEREAS**, the purpose for the rezone is that in order to make available public utilities and services, the area warrants higher densities than the existing R-1 (Single-Family Residential) zoning affords and the proposed plan designation for this property will allow a higher density that will meet Madras' housing needs and allow the extension of public utilities at a more affordable cost; and

**WHEREAS**, the proposed amendment was presented to the City Planning Commission on June 21, 2006 for review and comment through the public hearing process; and

**WHEREAS**, the City Planning Commission, after hearing comments from the public and considering all written evidence in the record, deliberated the matter fully, adopted the Findings of Fact and Conclusions of Law contained in the Staff Report, and forwarded a recommendation to the City Council that the Council approve the rezoning of Assessor's Map #11-13-1BA, Tax Lots #100, #200, #300, #400, #500, #501, #502, #600 and #700 from R-1 (Single-Family Residential) to R-2 (Multi-Family Residential); and

**WHEREAS**, the City Council held a public hearing during their regularly scheduled City Council meeting on Tuesday, July 25, 2006, and allowed the public to present comments on the proposed rezone; and

**WHEREAS**, the City Council, based on staff's recommendation, continued the hearing to August 22, 2006 at 7:00 p.m. to allow sufficient time to correct an inadvertent error in the notification process that was used prior to the July 25, 2006 hearing, and provide the public with another opportunity to present comments; and

**WHEREAS**, the City Council, after considering the comments that were presented during the July 25, 2006 and August 22, 2006 hearings, and considering all written evidence in the record, deliberated the matter fully and agreed with the Planning Commission's recommendation to approve the rezone, and accepted the Findings of Facts and Conclusions of Law contained in the Staff Report.

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

**SECTION 1:** The Comprehensive Plan and Zone Map of the City of Madras is hereby amended to rezone Assessor's Map #11-13-1BA, Tax Lots #100, #200, #300, #400, #500, #501, #502, #600 and #700 from R-1 (Single-Family Residential) to R-2 (Multi-Family Residential).

**SECTION 2:** The Findings of Fact and Conclusions of Law contained in the Staff Report, attached hereto as Exhibit "A", which were approved by the Planning Commission and City Council, are hereby adopted and incorporated herein. Said findings have been designated by the City's Community Development Department as File #RZ-06-5.

**SECTION 3:** The City's Community Development Department shall hereby provide the Oregon Department of Land Conservation and Development, and any others who are entitled to notice hereof, with a copy of the approved ordinance.

**SECTION 4:** 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 5:** This ordinance may be amended or repealed as provided by law.

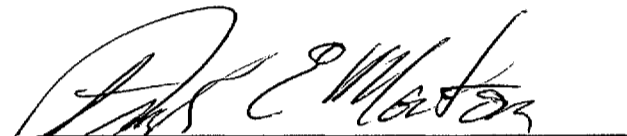
**SECTION 6:** This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

**SECTION 7:** It is hereby determined and declared that the existing conditions are such that it is necessary for the preservation of the peace,

health, general welfare, and safety of the City of Madras that an emergency be declared to exist and this Ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras.

**ADOPTED** by the City Council of the City of Madras and approved by the Mayor this 12<sup>th</sup> day of September, 2006.

Ayes:	<u>4</u>
Nays:	<u>0</u>
Abstentions:	<u>0</u>
Absent:	<u>2</u>
Vacancies:	<u>0</u>

  
Frank E. Morton, Mayor

ATTEST:

  
Karen J. Coleman, City Recorder