



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

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

NOTICE OF ADOPTED AMENDMENT

October 17, 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 018-06

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: November 1, 2006

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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

<paa>



FORM 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

DATE
STAMP
DEPT OF
OCT 11 2006
**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only *email*

Jurisdiction: City of Madras Local file number: TA-06-3

Date of Adoption: 7/25/2006 Date Mailed: 10/11/2006

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".
The applicant requested to allow roof and wall mounted antennas for cellular service with the Commercial, Neighborhood Commercial and Industrial zones.

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: C-1, NC, and Industrial to: C-1, NC, and Industrial

Zone Map Changed from: C-1, NC, & I to: C-1, NC, & I

Location: City of Madras Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: N/A

Was and Exception Adopted? YES NO

DLCD File No.: 018-06
(NOA)

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**

Zip Code + 4: **97741-1685** 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. 768

AN ORDINANCE AMENDING ORDINANCE NO. 723, [AN ORDINANCE ESTABLISHING LAND USE ZONES TO REGULATE THE LOCATION OF BUILDING STRUCTURES AND THE USE OF LAND WITHIN THE CITY OF MADRAS, OREGON; PROVIDING PENALTIES FOR THE VIOLATION THEREOF.....], TO ALLOW "BUILDING ROOF AND WALL MOUNTED ANTENNAS" FOR CELLULAR, PCS WIRELESS COMMUNICATION SERVICES, AND SIMILAR RADIO SERVICES, AS A PERMITTED USE IN THE COMMERCIAL, NEIGHBORHOOD COMMERCIAL, AND INDUSTRIAL ZONES, AND DECLARING AN EMERGENCY.

WHEREAS, the City's Community Development Department received an application from Verizon Wireless (CDD File #TA 06-3) asking that the City amend its development code to allow roof and wall mounted antennas for cellular services within the Commercial, Neighborhood Commercial, and Industrial Zones; and

WHEREAS, the applicant's proposal was presented to the Planning Commission during an advertised public hearing on May 3, 2006; and

WHEREAS, after receiving the staff report, hearing testimony from the applicant, and considering all written and oral testimony from the public, the Planning Commission deliberated the matter fully and accepted the proposed language included in the "Findings of Fact", attached hereto as Exhibit "A", and forwarded a recommendation to the City Council that the Council approve the amendments to allow wireless antennas, as proposed; and

WHEREAS, an advertised public hearing was held before the City Council on Tuesday, June 13, 2006; and

WHEREAS, the City Council, after receiving the staff report, hearing testimony from the applicant, considering all written and oral testimony from the public, and considering the recommendations of the Planning Commission, deliberated the matter fully and voted unanimously to approve the amendments, as proposed.

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

SECTION 1: The City Council hereby adopts the "Findings of Fact" attached hereto as Exhibit "A" and by this reference made a part of this ordinance.

SECTION 2: The following changes shall be made:

► **The addition of Item 23 to Article 3, Land Use Zones, Section 3.5, Commercial (C-1), Subsection A, Permitted Uses (Subject to Site Plan Review).**

- 23) Building roof and wall mounted antennas for cellular, PCS, and similar radio services [see Section 8-12.3.5 (O)]

► **The addition of Subsection O, to Article 3, Land Use Zones, Section 3.5, Commercial (C-1)**

O. ANTENNAS MOUNTED ON BUILDING ROOFS AND WALLS FOR CELLULAR, PCS, AND SIMILAR RADIO SERVICES.

1. Roof-Mounted Antennas. Antennas installed on a building roof shall be concealed from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, placement behind a screen designed to blend with the existing building, placement within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.
2. Wall-Mounted Antennas. Antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same exterior finish, or painted the same color as the exterior of the building or structure.
3. Allowable Height for Antennas Mounted on Building Roofs and Walls. Antennas mounted on building roofs and walls shall not extend more than ten (10) feet above the highest existing architectural feature on the building.

► **The addition of Item 4 to Article 3, Land Use Zones, Section 3.5.1, Neighborhood Commercial (NC), Subsection F, Permitted Uses (Subject to Site Plan Review)**

4. Building roof and wall mounted antennas for cellular, PCS, and similar radio services [see Section 8-12.3.5.1 (Q)]

► **The addition of Subsection Q, to Article 3, Land Use Zones, Section 3.5.1, Neighborhood Commercial (NC)**

Q. ANTENNAS MOUNTED ON BUILDING ROOFS AND WALLS FOR CELLULAR, PCS, AND SIMILAR RADIO SERVICES.

1. Roof-Mounted Antennas. Antennas installed on a building roof shall be concealed from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, placement behind a screen designed to blend with the existing building, placement within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.
2. Wall-Mounted Antennas. Antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same exterior finish, or painted the same color as the exterior of the building or structure.
3. Allowable Height for Antennas Mounted on Building Roofs and Walls. Antennas mounted on building roofs and walls shall not extend more than ten (10) feet above the highest existing architectural feature on the building.

► **The addition of Item 39 to Article 3, Land Use Zones, Section 3.6, Industrial (I), Subsection B, Permitted Uses (Subject to Site Plan Review)**

39. Building roof and wall-mounted antennas for cellular, PCS, and similar radio services [see Section 8-12.3.6 (P)].

► **The addition of Subsection P, to Article 3, Land Use Zones, Section 3.6, Industrial (I)**

P. ANTENNAS MOUNTED ON BUILDING ROOFS AND WALLS FOR CELLULAR, PCS, AND SIMILAR RADIO SERVICES.

1. Roof-Mounted Antennas. Antennas installed on a building roof shall be concealed from the ground level of abutting public

streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, placement behind a screen designed to blend with the existing building, placement within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.

2. Wall-Mounted Antennas. Antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same exterior finish, or painted the same color as the exterior of the building or structure.
3. Allowable Height for Antennas Mounted on Building Roofs and Walls. Antennas mounted on building roofs and walls shall not extend more than ten (10) feet above the highest existing architectural feature on the building.

SECTION 3: **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 4: **AMENDMENT**

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

SECTION 5: **CORRECTIONS**

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

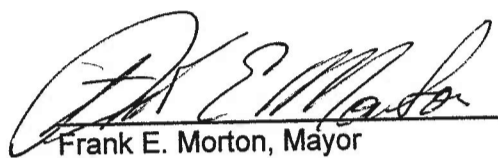
SECTION 6: **EMERGENCY CLAUSE**

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 July, 2006.

Ayes:	<u>5</u>
Nays:	<u>0</u>
Abstentions:	<u>0</u>
Absent:	<u>1</u>
Vacancies:	<u>0</u>


Frank E. Morton, Mayor

ATTEST:


Karen J. Coleman, City Recorder