



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT



March 15, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment
DLCD File Number 002-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 31, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Mark Radabaugh, DLCD Regional Representative
Sandy Mathewson, Jefferson County

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FORM 2

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

(See reverse side for submittal requirements)

DEPT OF
MAR 13 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Jefferson County Local File No.: 06-PA-01
(If no number, use none)

Date of Adoption: 3-8-06 Date Mailed: 3-10-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12-7-05

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

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

Amended the text of the Urbanization and Land Use elements of the Comprehensive Plan regarding urban growth areas and management.

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: _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2, 11, 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 002-05 (14864)

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:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____
City of Madras
Local Contact: Sandy Mathewson Area Code + Phone Number: 541-475-4462
Address: 85 SE D St.
City: Madras OR Zip Code+4: 97741

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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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.

**BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR
THE COUNTY OF JEFFERSON**

**IN THE MATTER OF AMENDING THE)
TEXT OF THE COMPREHENSIVE PLAN)
REGARDING AREAS INSIDE URBAN)
GROWTH BOUNDARIES AND URBAN)
AREA MANAGEMENT AGREEMENTS,)
And DECLARING AN EMERGENCY)**

Ordinance No. 0 - 42 - 06

WHEREAS, under the current Urban Growth Area Management Agreement (UGAMA) between the City of Madras and Jefferson County, the County has jurisdiction over planning and land use within the urban growth area (lands inside the urban growth boundary but outside city limits). Since lands within the urban growth area will eventually be annexed into the city, the City would like to take over responsibility for planning in that area; and

WHEREAS, the current UGAMA was incorporated into the Comprehensive Plan, so the Plan must be amended in order to allow adoption of a new UGAMA; and

WHEREAS, the Urbanization section of the Comprehensive Plan contains out of date information that should be amended to reflect changes that have taken place to urban growth areas as well as incorporating current state goal language; and

WHEREAS, the Jefferson County Planning Commission held a public hearing on the proposed Comprehensive Plan amendment on January 26, 2006. No persons appeared to testify at that hearing or submitted written testimony. After considering the staff report, the Planning Commission, by a vote of 6 in favor and one opposed, voted to recommend that the Board of Commissioners approve the amendment; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on February 22, 2006. No persons appeared to testify at that hearing or submitted written testimony. At the conclusion of the hearing, the Board closed the record and continued the matter until March 1, 2006 for deliberation. After considering the staff report and Planning Commission recommendation, the Board voted unanimously to **ADOPT** the Planning Commission recommendation;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. Adoption of Comprehensive Plan Amendment

Jefferson County hereby **AMENDS** the Urbanization and Land Use Elements of its Comprehensive Plan as shown on Exhibit A attached hereto and incorporated herein by this reference.

0-42-06

2. Adoption of Findings

The Commissioners hereby find that the amendments are in conformance with applicable statewide planning goals, as set forth in the findings of fact set forth in the staff report, which is incorporated herein by this reference.

Dated this 8TH day of March, 2006.

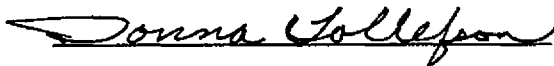
BOARD OF COMMISSIONERS:


Walter Ponsford, Commission Chair


Bill Bellamy, Commissioner


Mary Zenke, Commissioner

Attest:



Appeal Information

Planning Casefile #06-PA-01

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: March 8, 2006

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

URBANIZATION

Jefferson County contains three incorporated cities which have acknowledged comprehensive plans and urban growth boundaries. The urban growth boundary areas have been established through a coordinated process between the cities and Jefferson County. A brief description of this process, and of the urban growth boundary areas which resulted from this process follow:

DEFINITIONS

URBAN LAND

Urban Lands are those places which are **inside an urban growth boundary, including lands within** an incorporated city.

URBANIZABLE LAND

Urbanizable Lands are those places which are **within an established Urban Growth Boundary (UGB) but outside city limits which, due to the present unavailability of urban facilities and services or for other reasons, have not been developed to urban densities and uses.**

Change of urban growth boundaries, establishment of new urban growth boundaries, incorporation of a new city, or annexation of land into a city which is not in an established urban growth boundary shall require a Comprehensive Plan and Zoning Ordinance Amendment. Such amendment shall be made through the legislative procedures for Major Revisions prescribed in Part V of this Plan. The following factors shall be used in ~~consideration of~~ **considering** such proposals.

- A. **Demonstrated need to accommodate long-range (~~up to 20 years~~) urban population ~~growth requirement~~ consistent with ~~LCDC~~ goals a 20-year population forecast coordinated with affected local governments;**
- B. **Demonstrated nNeed for housing, employment opportunities and livability;**
- C. **Orderly and economic provisions for public facilities and services;**
- D. **Maximum efficiency of land uses within and on the fringe of the existing urban area.**
- E. **Environmental, energy, economic and social consequences;**
- F. **Retention of agricultural land as defined, with Class I being the highest priority, and Class VI the lowest priority for retention;**
- G. **Compatibility of the proposed urban uses with nearby agricultural activities.**

RURAL LANDS

Rural Lands are those lands which are **outside urban growth boundaries and that are:**

- A1. ~~Contain existing development densities which remove them from practical application of the agricultural or forestry goals.~~ Non-urban agricultural, forest or open space;**
- B2. ~~Are necessary to create an intermediate density buffer between urban or urbanizable land and surrounding agricultural or forestry land.~~ Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or**
- C3. ~~Are necessary to meet the need for expansion of rural density development as that need is indicated by the Comprehensive Plan.~~ In an unincorporated community.**

RESOURCE LANDS

Resource Lands are those lands which are in agriculture or forestry uses and which the comprehensive plan designates for continuation of that activity under the treatments mandated by the Agriculture and Forestry Goals.

URBAN GROWTH BOUNDARIES (UGB)

Urban Growth Boundaries are established to identify and separate urbanizable land from rural land. The establishment and change of the boundaries is a cooperative process between the City Council and the County Court.

~~In the case of a change of a boundary,~~ a governing body or other person proposing such a change in the boundary separating urbanizable land from rural land shall follow the procedures and requirements as set forth in the administrative provisions of this plan, **the Jefferson County Zoning Ordinance, the Oregon Administrative Rules, and any applicably City requirements.**

Land within the boundary separating urbanizable land from rural land (**referred to as the urban growth area**) shall be considered available over time for urban uses. The conversion of urbanizable land to urban uses shall be based on the consideration of:

- A.(a)** Orderly, economic provisions for public facilities and services;
- B.(b)** Availability of sufficient land for the various uses to insure choices in the market places; and
- C.(c)** Encouragement of development within urban areas before conversion of urbanizable areas

MADRAS UGB

The City of Madras Comprehensive Plan, including the UGB and the zoning therein, was **originally** adopted by the Madras City Council on June 20, 1979. The ~~Jefferson County Court~~ adopted same as it pertains to the UGB on June 27, 1979. The Plan was acknowledged by the Land Conservation and Development Commission on January 30, 1980. **The UGB has been expanded since that time, most recently in 2003.**

~~The Madras Urban Growth Boundary contains 1400 acres which includes lands zoned for residential, commercial, industrial, and public facility uses.~~

~~Residential development is permitted at a density of one acre per single family residence. When dividing land for residential purposes, a redevelopment plan must be filed which provides for re-division of the 1 acre parcel into three lots upon annexation by the City. Placement of residences on the 1 acre parcels must be made in conformance with the redevelopment plan.~~

~~Lands in commercial, industrial, and public facility zones are subject to a site plan review process before land can be divided or developed.~~

~~The Madras UGB is administered by Jefferson County according to the provisions of the Madras Comprehensive Plan and implementing ordinances. Annexation of urban growth boundary land by the City of Madras is done with the cooperation of Jefferson County. Any lands annexed into the City of Madras's Urban Growth Area after October 1, 2002 shall retain their current county zoning designation until such time as they are annexed into the City of Madras. Any development prior to annexation shall comply with the county zoning regulations applicable for that zone.~~

METOLIUS UGB

The Metolius Comprehensive Plan and implementing ordinances including the UGB were **originally** adopted by the Metolius City Council on December 11, 1978. The ~~Jefferson County Court~~ adopted the program as it pertains to the UGB area on March 15, 1979. The Plan was acknowledged by the LCDC on July 12, 1980. **Lands within the urban growth area retained Exclusive Farm Use A-1 zoning.**

~~The Metolius UGB contains 147 acres which are allocated to residential, commercial, industrial, and public facilities uses.~~

~~Land within the Metolius UGB is administered by Jefferson County in conformance with the Metolius Comprehensive Plan. Due to the presence of undeveloped land within the city limits, the zones shown in the UGB area are "potential zones" with an overlay zone of the surrounding agricultural designation. Stated another way, this means that UGB lands will remain in the uses provided for by the County A-1 zone until annexed by Metolius. Upon annexation, they will be changed to the zone shown on the Metolius Comprehensive Plan Map.~~

CULVER UGB

The Culver Comprehensive Plan and implementing ordinances were originally adopted by the Culver City Council on September 6, 1977. Due to the presence of considerable undeveloped land inside the City, the plan designated the existing City Limits as the Urban Growth Boundary. Therefore the County Court did not need to adopt a UGB management package for Culver. The LCDC acknowledged the Culver Comprehensive Plan on September 15, 1978. ~~There have been no changes proposed in the UGB at this time.~~ **The Culver UGB was expanded in 1997 to incorporate two parcels. The land was given a city Comprehensive Plan Map designation of Park/School/Civic Center, but the zoning remained Exclusive Farm Use A-1.**

UGB URBAN GROWTH AREA MANAGEMENT AGREEMENTS

~~Because of the close coordination between the incorporated cities and Jefferson County during construction of the city planning programs, Jefferson County was able to adopt, in total, the plan provisions for the UGB areas which involve county land, namely Madras and Metolius. This approach is working well at this time. If changes are needed, they will be coordinated between the county and the cities.~~

~~On June 12, 2002, Jefferson County and the City of Madras entered into an Urban Growth Area Management Agreement for the purpose of facilitating the orderly transition from rural to urban land uses for land within the urban growth area. The provisions of that agreement and any subsequent amendments or modifications that may be made are incorporated herein and made a part of this Comprehensive Plan.~~

The County and each city may enter into an intergovernmental agreement establishing procedures and approval authority for land use decisions and other development actions concerning unincorporated lands inside the urban growth area. Absent an intergovernmental agreement stating otherwise, the County has jurisdiction over land use activities within urban growth areas.

LAND USE ELEMENT

GENERAL DISCUSSION

The Land Use Element of the Comprehensive Plan is perhaps the most important portion of the plan. This element allocates the uses of the land resources within the planning area and describes various uses that will be allowed within each designation. These are formal policy statements intended to assist in achieving the goals, objectives, and other policies of the plan.

~~URBAN GROWTH BOUNDARIES~~

~~The County is responsible for planning and administration of all land which is outside of corporate city limits. This results in two types of administrative activities. The first is lands which are inside of established urban growth boundaries (UGB).~~

~~By cooperative agreement with the cities, the County will manage the land inside the UGB in accordance with the city comprehensive plan until the area is annexed into the city. Culver has established its present city limits as its UGB, therefore no cooperative agreement is needed with that city. Metolius and Madras have included County land in their UGBs.~~

~~The second is County land outside of UGBs which are the responsibility of the Jefferson County. The process of land use designation for this area is described below.~~

BACKGROUND FOR LAND USE CATEGORY DECISIONS

In 1973, Jefferson County adopted a Zoning Ordinance which designated 15 zones including two Planned Development zones, a Recreation Residential and two Rural Residential zones. In refining the 1973 Comprehensive Plan and Zoning Ordinance, efforts have been made to reduce the number of zones. This will result in a more understandable and workable program. To achieve this goal, redundancy within the existing zones was eliminated, as in the Planned Development Zones. Secondly, zones which are no longer workable, such as Recreation Residential, and A-3 Limited Agriculture with its 10,000 square foot lots were deleted.

Additional categories, such as Existing Rural Development or Park Management were created to acknowledge existing situations or to provide for special land management activities.