



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/08/2014
Jurisdiction: Jefferson County
Local file no.: 14-PA-02
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/05/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 43 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: JEFFERSON

Local file no.: **14-PA-02**

Date of adoption: 7/23/14

Date sent: 9/3/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4/30/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): BILL ADAMS/PLANNING DIRECTOR

Phone: 541-475-4462

E-mail: bsba2@bendbroadband.com

Street address: 85 SE D STREET

City: MADRAS

Zip: 97741-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Sections 107-Zoning Permits, 323-Urban Reserve Area Overlay Zone, 406-Sign Regulations, 702-Lawful Creation of Lots and Parcels, 703-Land Division Requirements and 707-Final Plats.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

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

IN THE MATTER OF ADOPTING)
MISCELLANEOUS AMENDMENTS)
TO THE JEFFERSON COUNTY)
ZONING ORDINANCE) Ordinance No. 0-106-14

WHEREAS, Jefferson County has submitted a legislative amendment to the Jefferson County Zoning Ordinance; and

WHEREAS, the proposed legislative amendment improves the functionality of and eliminates inconsistencies to the County Zoning Ordinance, and provides for new sign standards at the Madras Airport; and

WHEREAS, at a public hearing on June 12, 2014, the Jefferson County Planning Commission, having conducted a public hearing, reviewed the staff reports and application, accepted testimony and deliberated on the evidence presented therein, recommended approval of the subject legislative Amendment to the County Board of Commissioners; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on July 9, 2014 and accepted testimony on the application. At the conclusion of the hearing, the Board closed the record and deliberated on the application. After considering the testimony and the entire record before them, the Board voted to APPROVE the application;

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

1. Adoption of Zoning Ordinance Amendment

The legislative amendments to Sections 107, 323.4, 406, 702.4, 703.2.O, and 707.1.B of the Jefferson County Zoning Ordinance are hereby adopted as found in attached Exhibit A.

2. Adoption of Findings

The legislative amendment of the Zoning Ordinance is sufficiently compliant with applicable statewide planning goals, administrative rules, Comprehensive Plan and Zoning Ordinance, as set forth in the findings of fact and conclusions set forth in the Staff Report attached hereto as Exhibit B.

3. Severability

The provisions of this ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or any exhibit thereto is, for any reason, held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

4. Effective Date

These amendments being necessary for immediate implementation, an emergency is declared to exist, and the specified amendments shall therefore take place and be effective on July 23, 2014.

Dated this 23rd day of July, 2014.

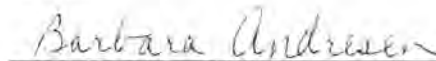
BOARD OF COMMISSIONERS


Mike Ahern, Commission Chair


Wayne Fording, Commissioner


John Hatfield, Commissioner

Attest:


Barbara Andresen, Recording Secretary

Appeal Information

Planning Casefile #14-PA-02

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: July 23, 2014

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.

EXHIBIT A

Legislative Amendments
to the
Jefferson County Zoning Code
(File 14-PA-02)

Initiated April 15, 2014

Public Hearings:

Planning Commission

June 12, 2014

Board of Commissioners

July 9, 2014

Amendments: Chapter 1, Section 107, Chapter 3, Section 323.4, Chapter 4, Section 406, and Chapter 7, Sections 702.4, 703.2, and 707.1 of the Jefferson County Zoning Code are amended to read as follows:

AMENDMENT 1:

Section 107 – Zoning Review

- A. A zoning review shall be obtained from the Planning Director prior to the construction, reconstruction, alteration, or change of use of any structure or lot for which planning approval is required. A zoning review is not a land use decision, a land use permit, or a review under the procedures of Chapter 9 of this Ordinance.
1. A zoning review may include a formal application and written decision or a simple zoning review and sign off on building permits, state land use compatibility statements, and similar documents.
 2. A zoning review shall be handled ministerially by the Planning Director without public notice or hearing.
 3. The Planning Director has the discretion to determine that for the purposes of JCZO section 903.4, a Zoning Review should be treated as an Administrative Review.
 4. A Zoning Review shall be processed and approved or denied by the Planning Director within 30 days of application submittal.
 5. A notice of decision (which may include only the sign-off per subsection A.1 above) shall be provided to the applicant or the applicant's representative.
 6. A decision may be appealed to the Board of Commissioners under section 907.
 7. The County may charge a filing fee for a Zoning Review.

AMENDMENT 2:

Section 323 – Urban Reserves Area Overlay Zone – (URA)

323.4 Minimum lot Size

The minimum lot size for new lots and parcels in a URA Zone shall be ten (10) acres except when the underlying zone requires a larger minimum, or except for rural residential zones allowing a smaller minimum lot size that were in place prior to December 1, 2008, or applied for by December 1, 2008 and subsequently approved.

AMENDMENT 3:

Section 406 – Sign Regulations

406.3. Sign Size Standards

- F. In the County Commercial, County Industrial, Airport Management (except for Madras Municipal Airport), and Crooked River Ranch Commercial zones

406.4 Sign Standards within the Airport Management Zone of Madras Municipal Airport

Definitions:

Freestanding Sign: A freestanding sign is an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure. Freestanding signs include, but are not limited to, monument signs and pole signs.

On-Premise Sign: An on-premise sign is a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located, or the sale, rent or lease of the premises.

Premises: The lot, parcel, or area of land leased by business from the City of Madras at the Madras Municipal Airport.

Business: Business shall mean all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to: service, commercial, and industrial uses and fraternal, benevolent, education, government, and social organizations.

Madras Municipal Airport: That portion of the airport owned and managed by the City of Madras which is located in the Airport Management zone (AM) as identified on the Jefferson County Zoning map. The geographical boundary of the Madras Municipal Airport is identified on Exhibit "A" – Airport Property Plan, in the 2011, Madras Municipal Airport Master Plan which was adopted by City of Madras Ordinance No. 838.

- A. **Applicability:** The following standards apply to signs located in the Madras Municipal Airport within the Airport Management (AM) zoning district as identified on the Jefferson County Zoning Map.

- B. **Procedures:**

1. Prior to the installation of any sign in the Madras Municipal Airport within the AM zone, all signs shall be reviewed in accordance with Section 107 of the Jefferson County Zoning Ordinance.
 2. Prior to the Jefferson County Planning Director issuing an approval for any sign, the Jefferson County Community Development Department shall cause notice of the proposed sign to the Madras Municipal Airport Manager and request a determination of compliance with Section 406.4.C of this Ordinance.
- C. Sign Compliance with Federal Aviation Administration: The Federal Aviation Administration (FAA) regulates the location, height, and manner in which signs are displayed in the Madras Municipal Airport. For all signage located in the Madras Municipal Airport, the Madras Municipal Airport Manager shall review the applicable FAA regulations. The Madras Municipal Airport shall submit a letter to the Jefferson County Planning Director that includes:
1. Whether the proposed signage complies with the applicable FAA regulations with respect to location, height, and manner in which the sign(s) will be displayed; and
 2. A recommendation to approve or deny the proposed signage.
- D. Prohibited Signs: All signs shall be restricted from flashing, blinking, moving, being animated, or rotating. The use of strobe lights is also prohibited.
- E. On-Premise Signage: The number of On-Premise signs shall be limited to the premises where a business is located within the Madras Municipal Airport and shall conform to the following standards.
1. Free Standing Signs: Each business located in the Madras Municipal Airport, shall have no more than one (1) freestanding sign per business on each premises where a business is located within the Airport.
 - a. Maximum Signage: The total area of the combination of freestanding signs or wall signs on each premise where a business is located within the Airport shall not exceed 300 square feet. Each individual sign shall not exceed one-hundred fifty (150) square feet.
 - b. Size: The total size of freestanding signs shall not exceed one-hundred fifty (150) square feet for any individual sign.
 - c. Height: The height of freestanding signs shall not exceed 35 feet, unless otherwise required by the Federal Aviation Administration as determined by the Madras Municipal Airport Manager.

- d. Location: All freestanding signs shall be located on the premise where a business is located within the Airport, unless otherwise required by the Federal Aviation Administration as determined by the Madras Municipal Airport Manager.
2. Building Signs: Each business located in the Airport AM zone, shall be entitled to two flush mounted wall signs on the face of a building's exterior wall. The size standard is a maximum two (2) square feet of flush mounted wall signage, per lineal foot of the length of the building's exterior wall. A sign, or combination of signs, on each exterior wall shall not exceed one-hundred fifty (150) square feet or six percent (6%) of the length of the building's exterior wall, whichever is more.
- F. Madras Municipal Airport Sign:
- 1. Applicability: The following standards apply to the formal sign for the Madras Municipal Airport.
 - a. Procedures: The review of signage under this Section shall be completed in a manner that is consistent with Section 107 of the Jefferson County Zoning Ordinance.
 - b. Number of Signs: The Madras Municipal Airport shall have one (1), two-sided sign that directs attention to the Madras Municipal Airport and the businesses operating at the Airport.
 - c. Height: The height of the Madras Municipal Airport sign shall not exceed 35 feet.
 - d. Location: The Madras Municipal Airport sign shall be located on the Madras Municipal Airport. This sign shall not be located in any public right-of-way.
 - e. Size: The Madras Municipal Airport sign shall be limited to 750 square feet (for each side of the sign).

AMENDMENT 4:

Section 702 – Lawful Creation of Lots and Parcels

702.4 Determination of Whether Lot or Parcel was Lawfully Created

An application may be submitted for a determination as to whether a lot or parcel was lawfully created. The application will be reviewed by the Planning Director under the

Zoning Review procedures of Section 107.A. The determination will be based on whether the lot or parcel meets the standards in Section 702.

AMENDMENT 5:

Section 703 – Land Division Requirements

703.2.0

.....
Approved Conversion Plans shall be signed by the property owner and recorded in Jefferson County deed records as a binding agreement on the current landowner and the landowner’s successors. The Conversion Plan may be amended at any time a new Conversion Plan and/or Plat is filed with the County. The most recent Conversion Plan shall supersede any prior Conversion Plans.

A Conversion Plan is not an engineered plan; it is a conceptual plan of potential future development. It is not a separate land use decision; it is part of the casefile land division decision.

AMENDMENT 6:

Section 707 – Final Plats

707.1 Preparation of Final Plat

- B. Lots and parcels shall be surveyed and monumented by an Oregon registered professional land surveyor, consistent with the requirements of ORS 92, ORS 209.250 and any additional requirements of the County Surveyor. However, parcels larger than 40 acres that are created outside an urban growth boundary are not required to be surveyed and monumented, provided the approximate acreage of each unsurveyed parcel is shown on the plat and word “unsurveyed” is placed in bold letters adjacent to the parcel number.

***** **END OF AMENDMENTS** *****

EXHIBIT B**JEFFERSON COUNTY**
Community Development Department

85 S.E. "D" St. • Madras, Oregon 97741 • Ph: (541) 475-4462 • FAX: (541) 475-4270

**STAFF REPORT TO PLANNING COMMISSION**

DATE: May 29, 2014 **HEARING DATE:** June 12, 2014

APPLICATION NO.: 14-PA-02

APPLICANT: Jefferson County

NOTICE TO DLCD: April 30, 2014

NEWSPAPER NOTICE: April 30, for publishing May 21, 2014

PROPOSAL: Jefferson County is proposing to legislatively amend the County Zoning Ordinance. Refer to Proposal Summary & Purpose below.

PROPOSAL SUMMARY & PURPOSE:

There are several miscellaneous amendments that are proposed to improve the function and administration of the Ordinance and to provide specific standards for signs at the Madras Airport. The following is a brief summary of each proposed amendment:

- Amendment 1: Revised section 107 to create a better description of this procedure as a ministerial act – requiring no notice and allowing quicker processing.
- Amendment 2: Revised section 323.4 to eliminate inconsistency in this provision of the Urban Reserve Area Overlay Zone.

- Amendment 3: Revises section 406 to add section 406.4 – to establish new standards for signs at the Madras Airport.
- Amendment 4: Revises section 702.4 to allow Lawful Creation determinations to be processed as a ministerial act under section 107.
- Amendment 5: Revises section 703.2.O to clarify aspects of a Conversion Plan.
- Amendment 6: Revises section 707.1.B to require surveying on parcels up to 40 acres in the final plat process.

Since the initial proposal was drafted in April 2014, several revisions have been made to address review comments. The latest version – attached as Exhibit A – contains red ink that address legal counsels review. This version is dated May 17, 2014.

PROPOSAL in AMENDMENT FORM:

The proposed amendment language is attached as Exhibit A (as revised May 17, 2014)

AGENCY COMMENTS:

The County Planning Department received several written comments:

1. Exhibit B - A memorandum from the County Surveyor asking for a change to section 707.1.B of the Zoning Ordinance. Staff has incorporated his request into the amendments as amendment 6.
2. Exhibit C – An E-mail from the City Community Development Director stating that the proposed amendments to the sign regulations of section 406 are acceptable. Staff incorporated these amendments into the amendments as amendment 3.
3. Exhibit D – An E-mail from County Counsel stating that the latest revisions of the amendments – reflected in red ink – are acceptable to her.

PUBLIC COMMENTS:

The Planning Department received an E-mail from Chris Gannon (Exhibit E) with a couple of suggested revisions (on page 6 of the proposed amendments). Staff does not agree that these suggestions should be incorporated into the amendments because they do not substantively change or improve the

amendments. Mr. Gannon also questioned whether airport signs would be allowed to be larger than other signs in the city's commercial zone. Staff finds that only the Airport sign to be installed at Highway 97 near the airport will be larger than other signs allowed in section 406 of the County Zoning Ordinance. Staff finds this to be reasonable trade off to better notify the public of the airport and air museum.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Section 801 - Authorization to Initiate Amendments

- A. *An amendment to the text of this Ordinance may be initiated by the Board of Commissioners, the County Planning Commission, or by the Planning Director.*

FINDING:

On April 15, 2014, The County Planning Director initiated the proposed legislative amendments to the Zoning Ordinance. This complies with the criterion above.

Section 803.1 Text Amendments

- A. *An amendment complies with applicable Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules.*

FINDING:

In regards to section 107, the amendments clarify that this provision is not a land use decision and is a ministerial act. This is consistent with recent court cases and with ORS 215.402 (4) – discretionary land use decisions. By removing the word "permit" from section 107, the amendment further clarifies that the provision is not a land use decision, and instead, is a ministerial act that applies clear and objective review standards. No other Goals, Statutes, or Administrative Rules apply to the proposed amendments. The proposal complies with the criterion above.

- B. *The amendment will be consistent with all applicable Comprehensive Plan goals and policies.*

FINDING:

The proposal complies with the following Comprehensive Plan Goals and Policies - Goal 1 Citizen Involvement policies: policy 2.2 in that the County published a notice in the Madras Pioneer newspaper; and, policy 4.2 having to

do with Urban Reserve Areas relating to the amendment of 323.4 – the amendment makes the Ordinance consistent with the policy expressed in the Comprehensive Plan.

CONCLUSION

Based on the proposal and the findings stated above, the proposal meets all the relevant criteria for an amendment to the County Zoning Ordinance.

RECOMMENDATION

Planning Staff recommends that the Planning Commission recommend approval of the proposed amendment file 14-PA-02 to the County Board of Commissioners. The Board of Commissioners will then hear the proposed request and make a decision. The tentative Board of Commissioner hearing date is July 9, 2014.

Respectfully submitted,

Bill Adams
Planning Director
Jefferson County

Exhibit A – Legislative Amendment to the Jefferson County Zoning Ordinance.

Exhibit B – Memorandum from County Surveyor dated March 19, 2014.

Exhibit C – E-mail from City CDD Director dated April 29, 2014.

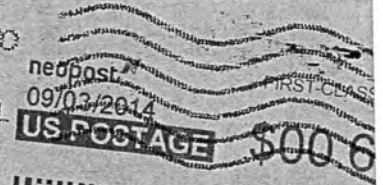
Exhibit D – E-mail from County Counsel dated May 20, 2014.

Exhibit E – E-mail and page 6 suggestions from Chris Gannon dated May 8, 2014.

JEFFERSON COUNTY
COMMUNITY DEVELOPMENT DEPT.
85 SE "D" STREET
MADRAS OREGON 97741

PORTLAND OR 970

04 SEP 2014 PM 3 L



ZIP 9774
041L112448

ATTN: PLAN AMENDMENT SPECIALIST
Dept. of Land Conservation & Dev.
635 Capitol St. NE, Ste 150
Salem, OR 97301-2540

97301254099

