



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

### NOTICE OF ADOPTED AMENDMENT

October 24, 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 002-06



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 7, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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

**DEPT OF**  
**OCT 17 2006**  
**LAND CONSERVATION AND DEVELOPMENT**  
For DLCD Use Only

Jurisdiction: City of Madras Local file number: TA-05-3  
Date of Adoption: 4/5/2006 Date Mailed: 10/11/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 1/4/2006

- 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".  
**Establish an easy way to manage the changes in the Madras Urban Growth Boundary.**

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: Urban Growth Boundary Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: 2 & 14

Was and Exception Adopted?  YES  NO

DLCD File No.: 002-06 (14914)

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; Jefferson County; City of Madras**

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. 754**

**AN ORDINANCE AMENDING THE MADRAS COMPREHENSIVE PLAN AND THE CITY OF MADRAS PUBLIC FACILITIES PLAN BY DELETING CERTAIN POLICIES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, ORS 195.020 requires that cities and counties establish a cooperative agreement for management of the Madras Urban Growth Area for the purposes of facilitating the orderly transition from rural to urban land uses within the City's Urban Growth Boundary; and

**WHEREAS**, the Comprehensive Plan contained certain policies that referred to specific provisions of the Urban Growth Area Management Agreement (UGAMA); and

**WHEREAS**, both the City of Madras and Jefferson County agreed that by deleting specific references to the UGAMA from the Comprehensive Plan it would make future amendments to the UGAMA less cumbersome by not requiring a Comprehensive Plan amendment; and

**WHEREAS**, the proposed amendments were presented to the City of Madras Planning Commission on February 15, 2006 and to the City Council on February 28, 2006 for review through the public hearing process; and

**WHEREAS**, there were no citizen comments made during the hearings.

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

**SECTION 1:** The Policies set forth in the Madras Comprehensive Plan shall be changed to read as provided in Exhibit "A", and incorporated herein.

**SECTION 2:** The Polices set forth in the City of Madras Public Facilities Plan shall be changed to read as set forth in Exhibit "B" and incorporated herein.


**SECTION 3:** **EMERGENCY CLAUSE**

The City Council of the City of Madras, having reviewed the Comprehensive Plan of the City of Madras, and the need for

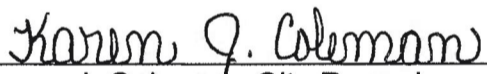
enactment of ordinances to regulate land use within the City does hereby determine that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Madras and an emergency is hereby declared to exist, and this Ordinance shall become 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 14<sup>th</sup> day of March, 2006.

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

  
\_\_\_\_\_  
Frank Morton, Mayor

ATTEST:

  
\_\_\_\_\_  
Karen J. Coleman, City Recorder

**CITY OF MADRAS PLANNING COMMISSION**

**FINDINGS AND RECOMMENDATION**

**REQUEST:** Amend the Madras Comprehensive Plan to delete specific references to the Urban Growth Area Management Agreement for the City of Madras.

**FILE NUMBER:** TA -05-3

**APPLICANT:** The City of Madras  
71 SE 'D' Street  
Madras, OR 97741

**DATE:** February 6, 2006

**APPLICABLE ORDINANCE PROVISIONS**

1. Madras Urban Area Comprehensive Plan  
**-Major Revisions (Legislative)**

**EXHIBITS**

1. Urban Growth Area Management Agreement for the City of Madras.

**FINDINGS OF FACT**

1. **Location:** The Urban Growth Area Management Agreement (UGAMA) applies to all of the lands within the City of Madras Urban Growth boundary.
2. **Proposal:** Amend the text of the City of Madras' Comprehensive Plan to remove the references specific items in the UGAMA. Specifically on page 56, items 1-5 of the Comprehensive Plan, and page 84 of Addendum #2 of the Periodic Review Work Task 1A and B, adopted by Ordinance #703, 1/14/2003. This proposal also amends the City of Madras' Public Facilities Plan, adopted May 27, 2003 by deleting the specific references to items in the UGAMA the same as page 56, items 1-5 of the Plan.
5. **Agency and Neighbor comments.** This is a legislative action, and no notice of proposed land use action was sent to any property owners within the Madras UGB; however, notice was provided to the Department of Land Conservation and Development (DLCD) on January 4, 2006 with the finding that no Statewide Planning Goals applied to this proposal.

**CONCLUSIONARY FINDINGS:**

1. **City of Madras Development Comprehensive Plan, Section IV – Land Use Element, Major Revision (Legislative).**

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:

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

**FINDING**

The Planning Commission finds that there are no Statewide Planning Goals that relate to this proposed Comprehensive Plan text amendment. However, the Commission finds that Oregon Revised Statutes (ORS) 195 does apply to this proposal.

ORS 195.025 requires coordination of planning activities between the county and each city in its jurisdiction. The required Urban Growth Management Agreement (UGAMA) remains in effect, the present proposal removes specific citations to portions of the UGAMA that have been deleted.

The Planning Commission finds that in order to more effectively implement the City's Comprehensive Plan and Development Regulations, it is the best interest of both Jefferson County and the City of Madras to have the City assume responsibility for all planning and zoning activities within the Madras Urban Growth Boundary (UGB).

The revised UGAMA authorizes the City of Madras to assume the planning and zoning activities within the Madras UGB.

**RECOMMENDATION**

The Planning Commission recommends that the text in the Madras Comprehensive Plan be amended as set forth in Exhibit 'A'.

The Planning Commission further recommends that the text of the Public Facilities Plan, an adopted resource document to the Madras Comprehensive Plan, also be amended as set forth in Exhibit 'B'.

## EXHIBIT "A"

### POLICIES

These policies are intended to be consistent with state law and existing City policies and practices, for promoting efficient and effective provision of urban services and protecting natural resources. The specific rationale for each policy is described in the table.

1. The City shall assure urban services (water, sewer and storm drainage services and transportation infrastructure) to residential, commercial and industrial lands within the City's Urban Growth Area as these lands are urbanized.

Rationale: *Identifies the City's responsibility to provide urban services to developed lands in the City.* [UGAMA-(D)(1)]

2. To minimize the cost of providing public services and infrastructure, the City shall discourage inefficient development without adequate public services and promote efficient use of urban and urbanizable land within the City's urban growth boundary, including requiring all urban development to be served by full urban services.

Rationale: *Protects against inefficient urban growth and also helps the City meet the intent of Goal 14.* [UGAMA-(D)(E)(F)]

3. The City shall support development that is compatible with the City's ability to provide adequate public facilities and services.

Rationale: *Allows the City to keep growth from outpacing the City's ability to service the new development.* [UGAMA(F)]

4. The City shall prioritize development of land serviced by utilities and require the extension of water, sewer and storm drainage facilities for all urban level development within the UGB.

Rationale: *Promotes efficient urban growth and reduces the cost of providing services.* [UGAMA(F)]

5. The City shall coordinate provision of public services with annexation of land outside the City limits.

Rationale: *Helps coordinate annexation and public service policies.* [UGAMA(F)(G)]

6. The City shall adopt long-range master plans for its water, sewer, storm drainage and transportation systems and review and/or update them periodically.

Rationale: *Regular review of master plans is important in identifying new infrastructure needs and ensuring adequate provision of urban services concurrent with growth.*



## URBAN GROWTH MANAGEMENT PLAN

- A. Area inside the Urban Growth Boundary shall be zoned to meet City standards for single-family dwellings. Additional land use designations may also be indicated to be outside of the existing city limits. Jefferson County will utilize the substantive portions of the City's Zoning Ordinance in the administration of this area.
- B. Within the Urban Growth area, the ~~County~~ city shall retain jurisdiction for the land use decisions. ~~However,~~ Subdivision and partitioning developments will be required to meet the City's improvement standards as outlined in the City's Subdivision Ordinance.

## Exhibit 'B'

### Policies

1. The City shall assure urban services (water, sewer and storm drainage services and transportation infrastructure) to residential, commercial and industrial lands within the City's Urban Growth Area as these lands are urbanized.

Rationale: *Identifies the City's responsibility to provide urban services to developed lands in the City.* [UGAMA-(D)(1)]

2. To minimize the cost of providing public services and infrastructure, the City shall discourage inefficient development without adequate public services and promote efficient use of urban and urbanizable land within the City's urban growth boundary, including requiring all urban development to be served by full urban services.

Rationale: *Protects against inefficient urban growth and also helps the City meet the intent of Goal 14.* [UGAMA-(D)(E)(F)]

3. The City shall support development that is compatible with the City's ability to provide adequate public facilities and services.

Rationale: *Allows the City to keep growth from outpacing the City's ability to service the new development.* [UGAMA(E)]

4. The City shall prioritize development of land serviced by utilities and require the extension of water, sewer and storm drainage facilities for all urban level development within the UGB.

Rationale: *Promotes efficient urban growth and reduces the cost of providing services.* [UGAMA(F)]

5. The City shall coordinate provision of public services with annexation of land outside the City limits.

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