



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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

NOTICE OF ADOPTED AMENDMENT

July 7, 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 012-06

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: July 26, 2006

This amendment was not submitted to DLCD for review prior to adoption. 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.

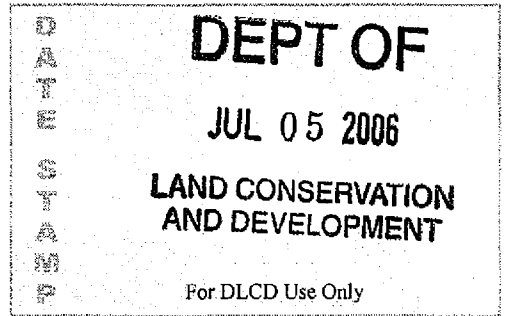
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

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

<paa>

FOR 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: TA 06-1

Date of Adoption: 5/23/2006 Date Mailed: 7/5/2006

Date original Notice of Proposed Amendment was mailed to DLCD: _____

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

Amended the Commercial (C-1) zone to allow commercial planned unit developments.

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: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: **None**

Was and Exception Adopted? YES NO

DLCD File No.: 012-06 (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.

CITY OF MADRAS
FINDINGS AND RECOMMENDATION

REQUEST: Amend City of Madras Development Code to allow Planned Unit Developments as a Permitted Use in the Commercial (C-1) Zone

FILE NUMBER: TA 06-1

APPLICANT: This is a Legislative Amendment initiated by the City of Madras Planning Commission.

OWNER: Proposed amendments impact property within the existing Commercial zoned areas.

DATE: April 19, 2006

APPLICABLE ORDINANCE PROVISIONS

1. Madras Development Code, Chapter 8 Development Regulations, Article 8 – Amendments
- **Section 8.1 Authorization to Initiate Amendments**

EXHIBITS

Exhibit 'A' shows the addition of Planned Unit Developments to the list of permitted uses in the Commercial (C-1) Zone.

FINDINGS OF FACT

1. **Location:** Proposed amendment primarily impact property within the existing Commercial Zone.
2. **Zone, Map and Comprehensive Plan Designation:** The subject property is all designated and zoned Commercial (C-1).
3. **Proposal:** Amend City of Madras Development Code to include Planned Unit Development as a Permitted Use in the Commercial Zone.

CONCLUSIONARY FINDINGS:

SECTION 8.1: AUTHORIZATION TO INITIATE AMENDMENTS - An amendment to the text of the Comprehensive Plan, this ordinance, or to the zoning and comprehensive or plan map may be initiated by either City Council, Planning Commission, or the Community Development Director in order for compliance with Oregon Revised Statutes, Oregon Administrative Rules and Statewide Planning Goals. A property owner may initiate a request for a map or text amendment by filing an application with the Community Development Director.

FINDING: Upon request of the Community Development Department, the Madras Planning Commission initiated the proposed amendment to the Development Code.

The Planning Commission found allowing commercial planned unit development provides for mixed-use developments that encourage the most efficient use of the site.

RECOMMENDATION

The Planning Commission recommends that the City Council approve the proposed text amendment that would add Planned Unit Developments to the list of Permitted Uses in the Commercial (C-1) zone.

Exhibit 'A'

SECTION 3.5: COMMERCIAL (C-1)

A. PERMITTED USES. (Subject to site plan review.)

1. Motels, hotels
2. Recreational vehicle parks (see Section 3.5.2) (Planning Commission Review)
3. Food stores.
4. Automobile/truck service stations (requirements in Article IV, Section 8-12.4.14 also apply).
5. Cafes and restaurants including drive-ins.
6. All commercial uses including retail stores, service establishments, professional and other office, recreational enterprises, financial institutions, hotels, and similar uses.
7. Telephone exchange, electrical substations, or public utilities; except for communication towers
8. Fire, police, or other governmental buildings.

9. Clubs and lodges.
10. Electrical, plumbing, heating or paint sales, service and repair.
11. Garage - automobile, light truck and trailer, or marine sales, rental storage, service and repair.
12. Laundry or dry cleaning.
13. Machine shop repair.
14. Manufacture of artificial limbs, dentures, hearing aides, surgical instruments, and dressings or other devices employed by the medical or dental profession.
15. Sign painting shop, sale or repair.
16. Churches
17. Storage Facility
18. Residential occupancy(ies) located above the ground floor (1st floor) of the commercial structure, provided there is an existing or proposed commercial use on the 1st floor of the structure.
19. Dwellings (existing and being lived in as of the adoption date of this ordinance revising this section) NO SITE PLAN REQUIRED FOR REPLACEMENT OR ADDITION TO THE EXISTING DWELLING, BUT A PLOT PLAN IS REQUIRED FOR LOCATION AND SETBACKS.
20. Veterinary clinics
21. Mortuary, crematorium
22. Planned Unit Development

Exhibit 'B'

8. **Commercial Planned Unit Development**

- (1) **Purpose.** To enable a range of employment, service and residential opportunities within the areas designated on the City of Madras Comprehensive Plan and Zone Map as Commercial (C-1) Zone. The Commercial Planned Unit Development (CPUD) creates opportunities for mixed-use developments in a master-planned setting at a scale and intensity compatible with the uses allowed in the Commercial Zone and surrounding areas. A CPUD is intended to provide amenities and conveniences within the development and in nearby areas while accommodating a growing and changing marketplace by allowing greater flexibility in permitted uses within the master planned area.
- (2) **Applicability.**
 - (a) A CPUD shall be developed or controlled by one proprietary interest, such as an owners association.
 - (c) The development may be on one lot or within one ownership, may be subdivided, may have condominium ownerships, or be a combination of these types.
- (3) **Uses Permitted Outright.** In a CPUD, the following uses are permitted:
 - (a) **PERMITTED USES.** (Subject to site plan review.)

Any use permitted outright or conditionally allowed in the C-1 Zone, with the following restrictions:

- (i) Freighting or trucking yards and terminals are prohibited in a CPUD.
- (ii) Activities shall be enclosed with a building or structure whose appearance is compatible with the CPUD Master Plan as determined by the Architectural Design Guidelines Review Committee (Section 8.____(6)(c)).
 1. Motels, hotels
 2. Recreational vehicle parks (see Section 3.5.2) (Planning Commission Review)
 3. Food stores.
 4. Automobile/truck service stations (requirements in Article IV, Section 8-12.4.14 also apply).
 5. Cafes and restaurants including drive-ins.
 6. All commercial uses including retail stores, service establishments, professional and other office, recreational enterprises, financial institutions, hotels, and similar uses.
 7. Telephone exchange, electrical substations, or public utilities; except for communication towers
 8. Fire, police, or other governmental buildings.
 9. Clubs and lodges.
 10. Electrical, plumbing, heating or paint sales, service and repair.
 11. Garage - automobile, light truck and trailer, or marine sales, rental storage, service and repair.
 12. Laundry or dry cleaning.

- 13. Machine shop repair.
 - 14. Manufacture of artificial limbs, dentures, hearing aides, surgical instruments, and dressings or other devices employed by the medical or dental profession.
 - 15. Sign painting shop, sale or repair.
 - 16. Churches
 - 17. Storage Facility
 - 18. Residential occupancy(ies) located above the ground floor (1st floor) of the commercial structure, provided there is an existing or proposed commercial use on the 1st floor of the structure.
- (b) Other uses determined to be within the intent of a CPUD by the Hearings Body.
 - (c) **LARGE RETAIL STRUCTURES (Big Box) DEVELOPMENT STANDARDS** (Planning Commission Review) shall comply with Section 8-12.3.5 (M).

(4) Limitations on Uses.

- (a) In a CPUD, the following limitations in area shall apply:
 - (i) For CPUDs 5 to 10 acres in size: residential uses shall not total more than 10% of the total gross area.
 - (ii) For CPUDs 10 to 20 acres in size: residential uses shall not total more than 25% of the total gross area.
 - (iii) For CPUDs larger than 20 acres in size: residential uses shall not total more than 50% of the total gross area.

(5) Development Standards. The following development standards shall apply:

- (a) A CPUD shall include a minimum of five (5) acres.
- (b) The lot size, setbacks, and other dimensional standards shall be determined in accordance with the Master Plan.

(6) Submittals Required. The following applications shall be submitted for CPUD consideration;

- (a) A Master Plan is required for a CPUD. Approval of the Master Plan shall constitute City approval of the CPUD. The Master Plan shall demonstrate that the project is designed with an overall plan for lots, building locations, proposed building uses, accesses from the public street system, shared parking, internal circulation system for motor vehicles and pedestrians, landscaping, and signing. The Master Plan shall include a Phasing Program, if phasing is contemplated.
- (b) A Transportation Impact Analysis shall be required as part of the CPUD Master Plan. The Transportation Impact Analysis shall be based on the proposed layout, building sizes, and uses.
- (c) The Master Plan shall include a set of Covenants, Conditions and Restrictions (CC&Rs) and Architectural Design Guidelines governing architectural and landscape. The Architectural Design Guidelines shall be administered by an Architectural Design Review Committee created as part of the CC&Rs specifically to determine compliance with the Guidelines.
- (d) Site Plan Approval shall be required only for buildings that constitute a significant departure from the building size, location, or use proposed by the Master Plan.
 - (i) A significant departure in size shall be an increase in gross square footage of greater than 20%.

- (ii) A significant departure in location shall be a shift in more than 50 feet in any direction.
 - (iii) A significant departure in use shall be a change from retail, office, to other non-Commercial Use. Changes from proposed non-Commercial to Commercial shall not be considered significant.
 - (iv) Significant departures from the approved Master Plan may also require a revised Transportation Impact Analysis.
- (7) Phased Development. A CPUD may be completed in phases. The first phase shall have commenced significant construction within two (2) years of approval, or as determined by the Master Plan. The final phase shall have commenced significant construction within a period determined by the Master Plan.
- (8) Project Void for Non-Compliance of Approval. If substantial construction does not commence as stated within (9) above, then the approval shall become void.
- (9) Appeals. The decision of the Hearings Body regarding the CPUD may be appealed in the manner provided for in Article 9, Section 9.21 - Appeals.
- (10) Modifying an approved CPUD. Modifications to approved CPUD may occur subject to the requirements within MLDC Section 8-12.9.4. Such modifications may be required to be reviewed by the same Hearings Body that approved the original CPUD; this is at the discretion of the CDD Director.

ORDINANCE NO. 761

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 PLANNED UNIT DEVELOPMENTS AS A PERMITTED USE IN THE COMMERCIAL (C-1) ZONE, AND DECLARING AN EMERGENCY.

WHEREAS, upon request of the City of Madras Community Development Department, the Madras Planning Commission initiated a proposed amendment to the land use development code which would add Planned Unit Developments as a Permitted Use in the Commercial (C-1) Zone; and

WHEREAS, a public hearing was held before the City Planning Commission on February 15, 2006 to receive testimony from the public; and

WHEREAS, after receiving written and verbal testimony from the public, the Planning Commission deliberated the matter fully and made the determination that allowing commercial planned unit development would provide for mixed-use developments that would encourage the most efficient use of the site; and

WHEREAS, based on their findings, the Planning Commission forwarded a recommendation to the Madras City Council that Council approve the proposed text amendment adding Planned Unit Developments to the list of Permitted Uses in the Commercial (C-1) Zone; and

WHEREAS, a public hearing was held before the City Council on April 25, 2006 to receive testimony from the public; and

WHEREAS, after considering all written and oral testimony, the City Council deliberated the matter fully and approved the proposal to add Planned Unit Developments to the list of Permitted Uses in the Commercial (C-1) Zone.

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

- I. Article 3, Land Use Zones, Subsection 3.5, Commercial (C-1), Item A, Permitted Uses, shall be amended to add "Planned Unit Development" to the list of Permitted Uses as number 22.
- II. The following language shall be added under Article 3, Land Use Zones:

SECTION 3.5.3 COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)

- A. **PURPOSE:** To enable a range of employment, service and residential opportunities within the areas designated on the City of Madras Comprehensive Plan and Zone Map as Commercial (C-1) Zone. The Commercial Planned Unit Development (CPUD) creates opportunities for mixed-use developments in a master-planned setting at a scale and intensity compatible with the uses allowed in the Commercial Zone and surrounding areas. A CPUD is intended to provide amenities and conveniences within the development and in nearby areas while accommodating a growing and changing marketplace by allowing greater flexibility in permitted uses within the master planned area.
- B. **APPLICABILITY.**
1. A CPUD shall be developed or controlled by one proprietary interest, such as an owners association.
 2. The development may be on one lot or within one ownership, may be subdivided, may have condominium ownerships, or be a combination of these types.
- C. **PERMITTED USES.** (Subject to Site Plan Review)
1. Any use permitted outright or conditionally allowed in the C-1 Zone, with the following restrictions:
 - (a) Freighting or trucking yards and terminals are prohibited in a CPUD.
 - (b) Activities shall be enclosed with a building or structure whose appearance is compatible with the CPUD Master Plan as determined by the Architectural Design Guidelines Committee.
 - 1) Motels, hotels

- 2) Recreational Vehicle Parks (see Section 3.5.2)
(Planning Commission Review)
- 3) Food stores
- 4) Automobile / truck service stations
(requirements in Article IV, Section 8-12.4.14
also apply)
- 5) Cafes and restaurants including drive-ins
- 6) All commercial uses including retail stores,
service establishments, professional and other
office, recreational enterprises, financial
institutions, hotels, and similar uses
- 7) Telephone exchange, electrical substations, or
public utilities; except for communication
towers
- 8) Fire, police, or other governmental buildings
- 9) Clubs and lodges
- 10) Electrical, plumbing, heating or paint sales,
service and repair
- 11) Garage - automobile, light truck and trailer, or
marine sales, rental storage, service and
repair.
- 12) Laundry or dry cleaning
- 13) Machine shop repair
- 14) Manufacture of artificial limbs, dentures,
hearing aides, surgical instruments, and
dressings or other devices employed by the
medical or dental profession
- 15) Sign painting shop, sale or repair

- 16) Churches
 - 17) Storage facility
 - 18) Residential occupancy(ies) located above the ground floor (1st floor) of the commercial structure, provided there is an existing or proposed commercial use on the 1st floor of the structure.
- (c) Other uses determined to be within the intent of a CPUD by the Hearings Body.
 - (d) Large Retail Structures (Big Box) Development Standards (Planning Commission Review) shall comply with Section 8-12.3.5 (M).

D. LIMITATIONS ON USES.

- 1. In a CPUD, the following limitations in area shall apply:
 - (a) For CPUDs 5 to 10 acres in size: residential uses shall not total more than 10% of the total gross area.
 - (b) For CPUDs 10 to 20 acres in size: residential uses shall not total more than 25% of the total gross area.
 - (c) For CPUDs larger than 20 acres in size: residential uses shall not total more than 50% of the total gross area.

E. DEVELOPMENT STANDARDS. The following development standards shall apply:

- 1. A CPUD shall include a minimum of five (5) acres.
- 2. The lot size, setbacks, and other dimensional standards shall be determined in accordance with the Master Plan.

F. **SUBMITTALS REQUIRED.** The following applications shall be submitted for CPUD consideration:

1. A Master Plan is required for a CPUD. Approval of the Master Plan shall constitute City approval of the CPUD. The Master Plan shall demonstrate that the project is designed with an overall plan for lots, building locations, proposed building uses, accesses from the public street system, shared parking, internal circulation system for motor vehicles and pedestrians, landscaping, and signing. The Master Plan shall include a Phasing Program, if phasing is contemplated.
2. A Transportation Impact Analysis shall be required as part of the CPUD Master Plan. The Transportation Impact Analysis shall be based on the proposed layout, building sizes, and uses.
3. The Master Plan shall include a set of Covenants, Conditions and Restrictions (CC&Rs) and Architectural Design Guidelines governing architectural and landscape. The Architectural Design Guidelines shall be administered by an Architectural Design Review Committee created as part of the CC&Rs specifically to determine compliance with the Guidelines.
4. Site Plan Approval shall be required only for buildings that constitute a significant departure from the building size, location, or use proposed by the Master Plan.
 - (a) A significant departure in size shall be an increase in gross square footage of greater than 20%.
 - (b) A significant departure in location shall be a shift in more than 50 feet in any direction.
 - (c) A significant departure in use shall be a change from retail, office, to other non-Commercial Use. Changes from proposed non-Commercial to Commercial shall not be considered significant.

- G. **PHASED DEVELOPMENT.** A CPUD may be completed in phases. The first phase shall have commenced significant construction within two (2) years of approval, or as determined by the Master Plan. The final phase shall have commenced significant construction within a period determined by the Master Plan.
- H. **PROJECT VOID FOR NON-COMPLIANCE OF APPROVAL.** If substantial construction does not commence as stated within Subsection G above, then the approval shall become void.
- I. **APPEALS.** The decision of the Hearings Body regarding the CPUD may be appealed in the manner provided for in Article 9, Section 9.21 - Appeals.
- J. **MODIFYING APPROVED CPUD.** Modifications to approved CPUD may occur subject to the requirements within Madras Land Development Code Section 8-12.9.4. Such modifications may be required to be reviewed by the same Hearings Body that approved the original CPUD; this is at the discretion of the Community Development Department Director.

III. **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.

IV. **CORRECTIONS**

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

V. **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 23rd day of may, 20 06.

Ayes: 4
Nays: 0
Abstentions: 0
Absent: 2
Vacancies: 0



Frank E. Morton, Mayor

ATTEST:

Karen J. Coleman
Karen J. Coleman, City Recorder