



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

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 017-06

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.**

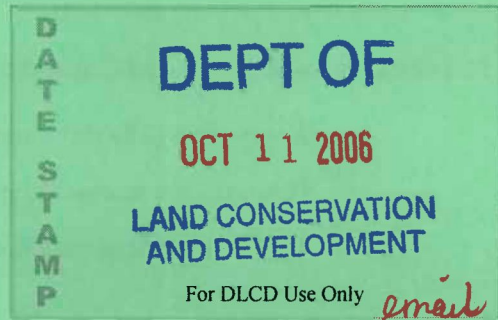
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Chuck McGraw, City of Madras

<paa>



**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-06-2  
Date of Adoption: 3/14/2006 Date Mailed: 10/11/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: \_\_\_\_\_

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

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

**To allow Contractor's Yards that require outdoor storage of equipment and supplies as a permitted use in the Industrial Zone.**

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: N/A to: \_\_\_\_\_

Zone Map Changed from: N/A to: \_\_\_\_\_

Location: City of Madras Acres Involved: \_\_\_\_\_

Specify Density: Previous: No minimum New: No minimum

Applicable Statewide Planning Goals: \_\_\_\_\_

Was and Exception Adopted?  YES  NO

DLCD File No.: 017-06  
(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. 753**

**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.....], AND DECLARING AN EMERGENCY.**

**WHEREAS**, at the request of the Community Development Department, the City Planning Commission initiated a review of the City's Land Use Development Ordinance to determine the appropriate zone for Contractor's Yards; and

**WHEREAS**, the City Planning Commission found that Contractor's Yards or similar uses that require outdoor storage of equipment and supplies are not compatible with the uses permitted in the City's Commercial zones and are more appropriate in industrial areas; and

**WHEREAS**, a public hearing was held before the City Planning Commission on February 15, 2006 to accept testimony from the public on the proposed amendment to Article 3, Land Use Zones, Subsection 3.6, Industrial (I), of the City's Land Use Development Ordinance, to include Contractor's Yards as a Permitted Use in the Industrial Zone; and

**WHEREAS**, the City Planning Commission, after considering written comments and public testimony deliberated the matter fully and recommended approval of the proposed amendment; and

**WHEREAS**, the Planning Commission's recommendation was forwarded to the City Council of the City of Madras, Oregon, for consideration during a scheduled public hearing on February 28, 2006; and

**WHEREAS**, the City Council, after considering written comments and public testimony deliberated the matter fully, approved the proposed amendment to Ordinance No. 723, and instructed staff to prepare the appropriate amending ordinance.

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


**SECTION 1:** Article 3, Land Use Zones, Subsection 3.6, Industrial, shall be amended to include "Contractor's Yards" as a Permitted Use in the Industrial Zone.

**SECTION 2: 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: 65  
Nays: 0  
Abstentions: 0  
Absent: 0  
Vacancies: 1

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

ATTEST:

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