



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 019-06

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.**

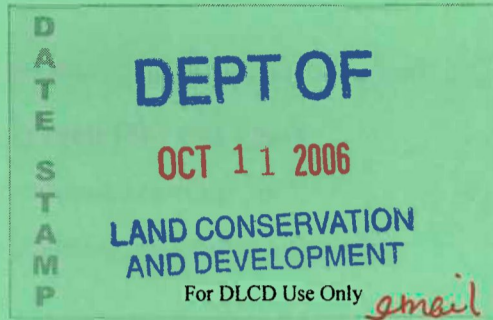
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Chuck McGraw, City of Madras

<paa>



FORM 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: AX-06-9

Date of Adoption: 9/12/2006 Date Mailed: 10/11/2006

Date original Notice of Proposed Amendment was mailed to DLCD: N/A

- 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".

The applicant requested to Annex approximately 1.27 acres of R-2 (Multi-Family Residential) property and a portion of N.E. Jeferson Street into the city limits of the City of Madras.

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: R-1 to: R-2

Zone Map Changed from: R-1 to: R-2

Location: City of Madras Acres Involved: 1.27

Specify Density: Previous: S7U/Duplex New: S7U/Duplex/Multi

Applicable Statewide Planning Goals: 12 & 14

Was and Exception Adopted? YES NO

DLCD File No.: 019-06
(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. 777

AN ORDINANCE ANNEXING APPROXIMATELY 1.27 ACRES OF R-2 (MULTI-FAMILY RESIDENTIAL) PROPERTY AND A PORTION OF N.E. JEFFERSON STREET INTO THE CITY LIMITS OF THE CITY OF MADRAS, OREGON, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Madras received a "Petition for Annexation by Consent" and "Consent to Annexation", pursuant to ORS 222.170, from the Central Oregon Regional Housing Authority dba Housing Works, requesting annexation of approximately 1.27 acres, more particularly described as Assessor's Map #11-13-1BA, Tax Lot #501, and Assessor's Map #11-13-1BB, Tax Lots #3800 and #6400 (Housing Works Property), into the Madras city limits; and

WHEREAS, a public hearing was set before the City Planning Commission on July 5, 2006 for annexation of the above referenced property, as well as a portion of N.E. Jefferson Street; and

WHEREAS, the City Planning Commission, after considering written comments and public testimony, deliberated the matter fully and recommended approval of annexation of the subject property and of a portion of N.E. Jefferson Street into the city limits of Madras; and

WHEREAS, the Planning Commission's recommendation was forwarded to the City Council of the City of Madras, Oregon, for consideration on August 22, 2006, under ORS 222.120 regarding annexation of property into the city limits of the City of Madras, and pursuant to the provisions of ORS Chapter 197, City of Madras Zoning and Land Development Ordinance Sections 8-12.7.1 through 8-12.7.4 (Annexation), and Oregon Administrative Rule 660-014-0060 (Annexations of Lands Subject to an Acknowledged Comprehensive Plan); and

WHEREAS, on or before the day set for said public hearing, a "Consent to Annexation" was filed by all of the owners of land in that territory and there being no electors in the territory, pursuant to ORS 222.125; and

WHEREAS, said "Petition for Annexation by Consent" and "Consent to Annexation" has been attached hereto and made a part of this Ordinance; and

WHEREAS, the City Council for the City of Madras conducted a public hearing on August 22, 2006 to allow the electors of the City to appear and be heard on the question of annexation, and on the City's compliance with the provisions of ORS Chapter 197, ORS 222.120, and OAR 660-014-0060; and

WHEREAS, the City Council, after considering all written comments and public testimony, deliberated the matter fully and determined that the proposed annexation is in compliance with the provisions of ORS Chapter 197, ORS 222.120, and OAR 660-014-0060, and voted to dispense with submitting the question of annexation of the residential property and portion of N.E. Jefferson Street described in Exhibit "1", attached hereto and by this reference incorporated herein, to the electors of the City.

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

SECTION 1: TERRITORY ANNEXED

The territory described in Exhibit "1" attached hereto and by this reference incorporated herein is hereby annexed into the city limits of the City of Madras, Oregon.

SECTION 2: TERRITORY DEPICTED ON MAP

The territory described on Exhibit "1" and depicted on the map labeled Exhibit "2", attached hereto, shall be considered annexed into the city limits of the City of Madras, Oregon, as of the date of this Ordinance.

SECTION 3: PURPOSE OF ANNEXATION

The purpose of this annexation is for urbanization, development, and to provide city services to the territory annexed into the city limits of the City of Madras, Oregon.

SECTION 4: FINDINGS OF FACT

The City Council hereby adopts as its findings of fact the information set forth in Exhibit "3", attached hereto and by this reference incorporated herein, to establish the requirements of ORS 220.170 (1), and compliance with the provisions of ORS Chapter 197 and OAR 660-014-0060.

SECTION 5: 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.

SECTION 6: CORRECTIONS

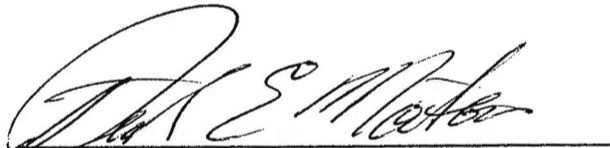
This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

SECTION 7: EMERGENCY CLAUSE

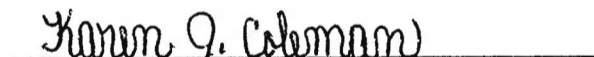
It is hereby determined and declared that the existing conditions are such that it is necessary for the preservation of the peace, health, general welfare, and safety of the City of Madras that an emergency be declared to exist and this Ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras.

ADOPTED by the City Council of the City of Madras and approved by the Mayor this 12th day of September, 2006.

Ayes:	<u>4</u>
Nays:	<u>0</u>
Abstentions:	<u>0</u>
Absent:	<u>2</u>
Vacancies:	<u>0</u>


Frank E. Morton, Mayor

ATTEST:


Karen J. Coleman, City Recorder