



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 2, 2007

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 003-07



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: August 17, 2007

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>

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

mailed
DEPT OF
JUL 27 2007
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Madras Local file number: RZ 06-7

Date of Adoption: 7/24/2007 Date Mailed: 7/27/2007

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".

Amend the Comprehensive Plan and Zone Map to Re-designate and Re-zone approximately 1.19 acres of County Commercial (CC) and approxiamtely 16.43 acres of Rural Residential (RR-5) to Corridor Commercial (C-1).

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: Commercial & Residential to: Commercial

Zone Map Changed from: CC * RR-5 to: C1

Location: Lands within Madras UGB Acres Involved: 17ac.

Specify Density: Previous: 5 acre minimum New: No density in C1

Applicable Statewide Planning Goals: 2 & 9

Was and Exception Adopted? YES NO

DLCD File No.: 003-07 (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, OEDD and ODOT

Local Contact: **Chuck McGraw** Phone: **(542) 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. 790

AN ORDINANCE AMENDING THE CITY OF MADRAS COMPREHENSIVE PLAN AND ZONE MAP FOR THE REZONE OF APPROXIMATELY 1.19 ACRES OF COUNTY COMMERCIAL (CC) TO CORRIDOR COMMERCIAL (C-1) AND APPROXIMATELY 16.43 ACRES OF RURAL RESIDENTIAL (RR-5) TO CORRIDOR COMMERCIAL (C-1), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Madras adopted its Comprehensive Plan and Zone Map in 1970 whereby Plan Designations and Zones were adopted to regulate growth with the City's Urban Growth Boundary; and

WHEREAS, the applicants (Gary and Janet Walker) are requesting a rezone of approximately 1.19 acres located at 1810 SW Hwy 97 (T11, R13, Sec.14DC, 900 & 1000) from County Commercial (CC) to Corridor Commercial (C-1); and rezone of approximately 16.43 acres located at 510 SW Colfax Lane (T11, R 13, Sec. 14D, 900) from Rural Residential (RR-5) to Corridor Commercial (C-1); and

WHEREAS, the Planning Commission held a public hearing on January 3, 2007 to take testimony on the proposed rezone application; and

WHEREAS, the Planning Commission found that the applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Statewide Planning Goal 2, that the City of Madras has an acknowledged Comprehensive Plan as required by Goal 2, that this plan was prepared according to the guidelines set forth under Goal 2, and that these guidelines include collecting necessary factual information; gradual refinement of the problems and issues and the alternative solutions and strategies for development; incorporation of citizen's needs and desires and development of broad citizen support and identification and resolution of possible conflicts with plans of affected governmental units; and

WHEREAS, the applicants state that this proposal is in conformance with Goal 9 because the proposed rezone will provide an opportunity for new businesses in Madras and will provide economic development for the City; and

WHEREAS, the newly adopted population forecast shows solid growth for Madras for the next ten years; and

WHEREAS, the development of commercial activities on the subject property will provide needed businesses to support the expected growth; and

WHEREAS, the Planning Commission found that the applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Goal 9 because there is a need to maintain sufficient lands within the City's urban growth boundary for commercial development; and

WHEREAS, the Planning Commission found that the application supports the conclusion that the proposal is in conformance with Statewide Planning Goal 10, and found that the City of Madras complied with this goal during Periodic Review in 2003 by incorporating the findings of a housing study titled: "Residential Land Needs Analysis" by Kittelson and Associates, Inc. (in 1998 and updated 2001); and

WHEREAS, the Planning Commission found that the conversion of rural residential lands to commercial lands would reduce the available housing inventory; however, the change will not affect the overall housing availability; and

WHEREAS, the Planning Commission found that the applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Goal 10 because the conversion of approximately 17 acres from residential to commercial will not adversely affect the overall need for residential lands; and

WHEREAS, the Planning Commission found that the applicant's Burden of Proof supports the conclusion that the proposal is in conformance with Goal 11 because public facilities and services can be extended into this area; that the City of Madras is developing a plan, in conjunction with other property owners, to extend sewer service into this area, and that rezoning the subject property to Commercial, would make the cost of extending this needed service more affordable because more development will share in the cost; and

WHEREAS, the Planning Commission found that the applicant's Burden of Proof Statement, which includes a Traffic Impact Analysis (TIA), supports some of the conclusions that the proposal is in conformance with Goal 12; and

WHEREAS, the Planning Commission found that the applicant's findings in support of the proposal include the finding that providing limited access to the site from Hwy 97 would improve overall operations on Hwy 97; that adding a 5-lane cross section to Hwy 97 would meet ODOT mobility standards; and that a short-term analysis would be required by the City of Madras to address the impact of the proposed development with the new zoning; and

WHEREAS, such an analysis may reveal that off-site improvements, which would include planned extensions of existing streets and new traffic signals, would be needed to accommodate growth in the area; and

WHEREAS, the TIA's findings indicate that, in light of these off-site improvements, development on the site may be self-limiting; and

WHEREAS, the Madras City Council held a public hearing on the proposed zone change on January 9, 2007 and on February 13, 2007; and

WHEREAS, there was public testimony in opposition to the requested zone change; and

WHEREAS, the City Council finds that the applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Statewide Planning Goal 2, that the City of Madras has an acknowledged Comprehensive Plan as required by Goal 2, that this plan was prepared according to the guidelines set forth under Goal 2, and that these guidelines include collecting necessary factual information; gradual refinement of the problems and issues and the alternative solutions and strategies for development; incorporation of citizen's needs and desires and development of broad citizen support and identification and resolution of possible conflicts with plans of affected governmental units; and

WHEREAS, the City Council finds that the applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Goal 9 because there is a need to maintain sufficient lands within its urban growth boundary for commercial development; and

WHEREAS, the City Council finds that the application supports the conclusion that the proposal is in conformance with Statewide Planning Goal 10; and that the City of Madras complied with this goal during periodic review in 2003 by incorporating the findings of a housing study titled: "Residential Land Needs Analysis" by Kittelson and Associates, Inc. (in 1998 and updated 2001); and

WHEREAS, the City Council finds that the applicant's Burden of Proof supports the conclusion that the proposal is in conformance with Goal 11 because public facilities and services can be extended into this area, that the City of Madras is developing a plan in conjunction with other property owners to extend sewer service into this area, and that rezoning of the subject property to Commercial, would make the cost of extending this needed service more affordable because more development will share in the cost; and

WHEREAS, the City Council finds that the applicant's Burden of Proof Statement, which includes a Traffic Impact Analysis (TIA), supports some of the conclusions that the proposal is in conformance with Goal 12; and

WHEREAS, the City Council finds that the applicant's findings in support of the proposal include the finding that providing limited access to the site from Hwy 97 would improve overall operations on Hwy 97; that adding a 5-lane cross section to Hwy 97 would meet ODOT mobility standards; that a short-term analysis would be required by the City of Madras to address the impact of the proposed development with the new zoning, and that such an analysis may reveal that off-site improvements, which would include planned extensions of existing streets and new traffic signals, would be needed to accommodate growth in the area; and

WHEREAS, the City Council is aware that the TIA's findings indicate that, in light of these off-site improvements, development on the site may be self-limiting; and

WHEREAS, the City Council finds that there is a demonstrated need for the proposed rezone because it will facilitate bringing needed public facilities and services into this area.

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

SECTION 1: COMPREHENSIVE PLAN AND ZONE MAP

The City of Madras Comprehensive Plan and Zone Map shall be amended to rezone the subject property identified on the Jefferson County Assessor's map as approximately 1.19 acres located at 1810 SW Hwy 97 (T11, R13, Sec.14DC, 900 & 1000) from County Commercial (CC) to Corridor Commercial (C-1); and rezone approximately 16.43 acres located at 510 SW Colfax Lane (T11, R 13, Sec. 14D, 900) from Rural Residential (RR-5) to Corridor Commercial.

SECTION 2: FINDINGS OF FACT

The Findings of Fact in support of the amendment, attached hereto as Exhibit "A" and Exhibit "B", are hereby adopted and incorporated herein.

SECTION 3: SEVERABILITY: The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the ordinance.


SECTION 4: CORRECTIONS: This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

SECTION 5: 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 24th day of July, 20 07.

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



Jason Hale, Mayor

ATTEST:



Karen J. Coleman, City Recorder

EXHIBIT 'A'

**CITY OF MADRAS
FINDINGS AND RECOMMENDATION**

REQUEST: This application is to rezone approximately 1.19 acres located at 1810 SW Hwy 97 (T11, R13, Sec.14DC, 900 & 1000) from County Commercial (CC) to Corridor Commercial (C-1); and rezone approximately 16.43 acres located at 510 SW Colfax Lane (T11, R 13, Sec. 14D, 900) from Rural Residential (RR-5) to Corridor Commercial.

FILE NUMBER: RZ -06-7

**APPLICANT/
OWNER:** Gary and Janet Walker
510 SW Colfax Lane
Madras, Or 97741

DATE: December 26, 2006

APPLICABLE ORDINANCE PROVISIONS

1. City of Madras Comprehensive Plan, Administrative Procedures, -Quasi-judicial Revision

EXHIBITS

1. Application, burden of proof statement, and all other materials submitted by the applicant, dated July 7, 2006
2. Vicinity Map
3. Notice to adjoining property owners dated July 10, 2006.
4. Letter dated August 23, 2006, stating that the application was deemed incomplete.
5. Letter dated December 4, 2006 stating that the application had been deemed complete.
6. Letter dated December 20, 2006 from the Oregon Department of Transportation (ODOT).

FINDINGS OF FACT

1. **Location:** The subject property is located north of the northwest corner of the intersection of SW Colfax Lane and Hwy 97 & 26 and west of Hwy 97 and is further described as being T11, R13, Section 14DC, tax lots 900 & 1000; and tax lot 900 in T11, R.13, Section 14D.
2. **Zone, Map and Comprehensive Plan Designation:** The property is split zoned, with tax lots 900 & 1000 in Sec. 14DC being zoned County Commercial (CC) and tax lot 900 in Section 14D being zoned Rural Residential (RR-5) on the City of Madras Comprehensive Plan and Zoning Map. Both properties are inside the Madras Urban Growth Boundary (UGB) but outside the city limits.

3. **Site Description and Surrounding Land Uses:** Tax lots 900 and 1000 in Section 14DC is the current location of the Madras Marine Boat business slopes from east to west, while the remainder of the property is relatively flat and is currently developed with a single family dwelling and out buildings. The properties to the east, across Hwy 97, and north are all zoned Corridor Commercial (C-1). The property across Hwy 97 is developed with a variety of commercial uses such as the Miller Ford Auto Dealership and small retail uses. The properties to the north are either currently undeveloped or are in the process of being cleared for future development; the properties immediately to the west is developed with single family residences and zoned Rural Residential.
4. **Proposal:** Change the existing Comprehensive Plan and Zone Map designation of all the property from either Rural Residential (RR-5) or County Commercial (CC) to Corridor Commercial (C-1) so that the property may be developed for mixed-use commercial development.
5. **Agency and Neighbor comments:** Staff didn't receive comments from any of the affected surrounding property owners.

ODOT: Staff received a letter dated December 20, 2006 from ODOT.

NUID: 1. What does Gary Walker plan to do with the water rights on the property? If he plans to keep water on the property, he must follow the policy which deals with forming a homeowners assn. in developing a subdivision, if that is his plan.

2. There is a pipeline along the eastern boundary with a bureau easement to deal with, below the toe of Hwy. 97. It also runs along the north side of Colfax Lane.

3. How does Gary plan to access the property? He must acquire a Right of Use Permit from the bureau to use the road. Also, the bureau will not allow a pipeline under a major road. I have not seen any plat maps of the area if he plans to develop this ground.

CONCLUSIONARY FINDINGS:

1. ADMINISTRATIVE PROCEDURES.

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:

1. The proposed change will be in conformance with statewide planning goals.

FINDING: The Statewide Planning Goals applicable to this proposal are Goal 2 (Land Use Planning), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services) and Goal 12 (Transportation).

The applicant states that this proposal for rezone is in conformance with Statewide Planning Goal 2 because the project takes place within the City of Madras, according to the land use designations as defined in the local Comprehensive Plan. The proposed zoning designation is one existing in the Madras Code, and consistent with higher levels of economic development.

The Planning Commission finds that the applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Statewide Planning Goal 2. The City of Madras has an acknowledged Comprehensive Plan as required by Goal 2. This plan was prepared according to the guidelines set forth under Goal 2. These guidelines include collecting necessary factual information; gradual refinement of the problems and issues and the alternative solutions and strategies for development; incorporation of citizen's needs and desires and development of broad citizen support and identification and resolution of possible conflicts with plans of affected governmental units.

The factual base of the plan included data on the natural resources, their capabilities and limitations; man-made structures and their utilities, their location and condition; population and economic characteristics of the city and the roles and responsibilities of governmental units.

The applicant states that this proposal is in conformance with Goal 9 because the proposed rezone will provide an opportunity for new businesses in Madras and will provide economic development for the City. The newly adopted population forecast shows solid growth for Madras for the next ten years. The development of commercial activities on the subject property will provide needed businesses to support the expected growth.

The Planning Commission finds that applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Goal 9 because there is a need to maintain sufficient lands within its urban growth boundary for commercial development.

The City of Madras completed a Buildable Lands Analysis as part of a Periodic Review Order in 1998 and again updated in 2003. The Land Use Categories shown in the 2003 updated Comprehensive Plan show that there are 1,232 acres of land designated for residential development and 253 acres designated for commercial development. Adding approximately 17 acres to the commercial lands base will help maintain an adequate supply of buildable commercial lands.

The applicant states that the conversion of rural residential lands to commercial lands would reduce the available housing inventory; however, the change will not affect the overall housing availability.

The Planning Commission finds that the applicant's Burden of Proof Statement supports the conclusion that the application is in conformance with Goal 10 because the conversion of approximately 17 acres from residential to commercial will not adversely affect the overall need for residential lands.

The applicant states that this proposal is in conformance with Goal 11 because public facilities and services can be extended to these properties and will contribute to the development of the properties to the north of this property.

The Planning Commission finds that the applicant's Burden of Proof supports the conclusion that that the proposal is in conformance with Goal 11 because public facilities and services can be extended into this area. The City of Madras is developing a plan, in conjunction with other property owners, to extend sewer service into this area. Staff finds that rezoning the subject property to Commercial, would make the cost of extending this needed service is more affordable because more development will share in the cost.

An analysis done by the City of Madras Public Works Department shows that the subject property will contribute approximately 11% of the overall cost for extending this sewer line.

The applicant states that this proposal is in conformance with Goal 12 because these properties have access to a state highway facility as well as a local county road.

Staff finds that the applicant's Burden of Proof Statement, which includes a Traffic Impact Analysis (TIA), supports some of the conclusions that the proposal is in conformance with Goal 12.

The Planning Commission finds that the applicant's findings in support of the proposal include the finding that providing limited access to the site from Hwy 97 would improve overall operations on Hwy 97; adding a 5-lane cross section to Hwy 97 would meet ODOT mobility standards; and a short-term analysis would be required by the City of Madras to address the impact of the proposed development with the new zoning. Such an analysis may reveal that off-site improvements would be needed to accommodate growth in the area. Improvements include planned extensions of existing streets and new traffic signals. The TIA's findings indicate that, in light of these off-site improvements, development on the site may be self-limiting.

2. There is a demonstrated need for the proposed change.

FINDING: The Planning Commission finds that there is a demonstrated need for the proposed change because it will facilitate bringing needed public facilities and services into this area. As found above, the City of Madras is developing a plan, in conjunction with other property owners, to extend sewer service into this area. Staff finds that rezoning the subject property to Commercial, would make the cost of extending this needed service is more affordable because more development will share in the cost.

An analysis done by the City of Madras Public Works Department shows that the subject property will contribute approximately 11% of the overall cost for extending this sewer line.

The total project cost of extending a new sewer line into this part of the city is estimated at \$1,038,768 and if it were up to the City of Madras to install this line, it would be too expensive. Having development step forward and participate in the cost of this public facility will make it more affordable.

RECOMMENDATION

The Planning Commission recommends that the City Council approve the proposed Plan and Zone Map amendment to re-zone approximately 1.19 acres located at 1810 SW Hwy 97 (T11, R13, Sec.14DC, 900 & 1000) from County Commercial (CC) to Corridor Commercial (C-1); and rezone approximately 16.43 acres located at 510 SW Colfax Lane (T11, R 13, Sec. 14D, 900) from Rural Residential (RR-5) to Corridor Commercial.

The Planning Commission recommends that, prior to the City Council making a decision on the zone change request, the applicant provide additional information as requested by ODOT in the applicant's TIA.

EXHIBIT "B"

Walker Annexation/Rezone RX 06-07

Based on the following facts and conclusions the Madras City Council hereby does annex and rezone the following property to City Commercial C-1. Property located at 1810 SW Hwy 97 and 510 SW Colfax Lane Madras, Oregon, specifically Assessor's Map T11S, R13E, Section14D Tax lot 900, T11S, R13E, Section14DC Tax Lots 900 and 1000

Property is contiguous to the City of Madras City Limits and is included in the City of Madras Urban Growth Boundary.

City of Madras Planning Commission conducted a public hearing and recommended approval of RX 06-07 to the City of Madras City Council.

A Traffic Impact Analysis was presented to the Planning Commission. The Planning Commission received no written or verbal comments in opposition of the application.

City of Madras City Council conducted a public hearing and approved the application.

An updated Traffic Impact Analysis that addressed the Oregon Department of Transportation concerns was submitted to the Council. No public testimony was given in opposition to the application. The Council approved the application based on the following facts.

1. The traffic impacts were based on 'Worse Case Scenario', full build out of businesses that create the highest traffic volumes.
2. Any new development that would occur on the property would not be 'Worse Case Scenario' to begin with.
3. Any new development would require a Commercial Site Plan for the specific proposed commercial activity. This specific activity would require a new Traffic Impact Analysis be prepared. The developer is responsible to mitigate any impacts his development would have on the City and State Transportation system as per City Ordinance.
4. The current property owner should not be responsible to update the City of Madras Transportation Plan and find funding sources for proposed future projects before his property would be annexed into the City Limits.