



# 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](http://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 004-07

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**

NOTE: This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that the statewide planning goals did not apply. 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

*emailed*

**DEPT OF**  
**JUL 27 2007**  
**LAND CONSERVATION AND DEVELOPMENT**

DATE  
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For DLCD Use Only

Jurisdiction: City of Madras Local file number: TA 07-2

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

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 Development Code to add additional variance criteria by adding Section 5.6.1, Exceptions to Maximum Building Height Standards.**

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: **No Statewide Goals Applied**

Was and Exception Adopted?  YES  NO

DLCD File No.: 004-07 (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:

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Local Contact: **Chuck McGraw** Phone: **(541) 475-3388** Extension: **12**

Address: **71 SE 'D' Street** City: **Madras**

Zip Code + 4: **97741-1685** Email Address: **cmcgraw@ci.madras.or.us**

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## **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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 791**

**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.....] TO PROVIDE ADDITIONAL VARIANCE CRITERIA BY ADDING SECTION 5.6.1, EXCEPTIONS TO MAXIMUM BUILDING HEIGHT STANDARD, TO ARTICLE 5, EXCEPTIONS AND VARIANCES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Madras desires to have a Development Code that is flexible in how it regulates commercial development; and

**WHEREAS**, the City of Madras desires to have a more streamlined process for evaluating aesthetic elements in development plans; and

**WHEREAS**, the proposed amendments to the Development Code sets forth additional variance criteria for evaluating architectural features that exceed the maximum height; and

**WHEREAS**, the Planning Commission held a public hearing on June 20, 2007 and received no public comments on the proposed Development Code amendment ; and

**WHEREAS**, the proposed amendments were presented to the Madras City Council on June 26, 2007, and there were no citizen comments made during the hearing; and

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

**SECTION 1:** The proposed amendments to the Development Code as set forth in attached Exhibit 'A", are hereby adopted and incorporated herein.

**SECTION 2: 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 3: CORRECTIONS:** This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.



**SECTION 4: 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 24<sup>th</sup> day of July, 2007.

Ayes: 5  
Nays: 0  
Abstentions: 0  
Absent: 1  
Vacancies: 0

  
\_\_\_\_\_  
Jason Hale, Mayor

ATTEST:

Karen J. Coleman  
Karen J. Coleman, City Recorder

## EXHIBIT "A"

### **SECTION 5.6.1: EXCEPTIONS TO MAXIMUM BUILDING HEIGHT STANDARD.**

Chimneys, bell towers, steeples, roof equipment (including minimum screening necessary to conceal mechanical roof equipment), flagpoles, and similar features that are not intended for human occupancy may be considered exceptions to the maximum building height subject to an application for height variance in accordance with Chapter 5.1.

1. **Variance to Maximum Height.** The City may grant a variance to the maximum height limitations not otherwise exempted by this ordinance when the following criteria are met:
  - a. The proposed height does not create a burden on the City's Fire Department for fire fighting requirements.
  - b. The location, size, design characteristics of the proposed structure shall have minimal adverse impact on the property values and livability of the permitted development in the surrounding area.
  - c. The structure will provide an aesthetically pleasing and functional environment and relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features to the greatest extent practical.
  - d. The requested height is the minimum deviation necessary.