



# Oregon

Theodore R. Kubongoski, 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

9/3/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Madras Plan Amendment  
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, September 16, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Nick Snead, City of Madras  
Gloria Gardiner, DLCD Urban Planning Specialist  
Darren Nichols, DLCD Community Services Manager  
Bill Holmstrom, DLCD Transportation Planner  
Angela Lazarean, DLCD Urban Planner  
Constance Beaumont, DLCD TGM Coordinator

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FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF

AUG 27 2010

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Madras**

Local file number: **RZ-10-1**

Date of Adoption: **8-2610**

Date Mailed: **8-26-10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 4-30-10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Comprehensive Plan & Zoning Map amendment to zone 20 acres for Range Land (County) to Multiple Family Residential (City).

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **RL**

to: **R-2**

Zone Map Changed from: **RL**

to: **R-2**

Location: **NE Madras**

Acres Involved: **20**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 001-10 (18277) [16306]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Jefferson County

---

Local Contact: **Nicholas Snead**

Phone: **(541) 323-2916** Extension:

Address: **71 SE "D" Street**

Fax Number: **541-475-3969**

City: **Madras**

Zip: **97741**

E-mail Address: **nsnead@ci.madras.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#) ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#) ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#) ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

## ORDINANCE NO. 826

**AN ORDINANCE ANNEXING THE NORTHWEST 20.0 ACRES, MORE OR LESS, OF TAX LOT #100, JEFFERSON COUNTY ASSESSOR'S MAP #11-14-7, AS WELL AS A PORTION OF EAST ASHWOOD ROAD, INTO THE CITY LIMITS OF THE CITY OF MADRAS.**

**WHEREAS**, the City of Madras has a desire to annex property owned by the City of Madras, as well as a portion of East Ashwood Road, dedicated for road purposes as demonstrated by Jefferson County Clerk Instrument File #2008-002288 and Instrument File #2008-002388; and

**WHEREAS**, the City of Madras authorized annexation of the property as evidenced by the Agreement for Exchange of Real Property signed on September 27, 2006, and when they authorized a professional services contract with a private consultant on April 28, 2009 to expand the City of Madras Urban Growth Boundary and city limits to include the northwest 20 acres of Tax Lot #100 on Jefferson County Assessor's Map #11-14-7; and

**WHEREAS**, the subject property was incorporated into the City of Madras Urban Growth Boundary on May 5, 2010, when the Department of Land Conservation and Development acknowledged the amendments to the City of Madras and Jefferson County Comprehensive Plan and Zoning Maps; and

**WHEREAS**, the property being proposed for annexation is located directly adjacent to the current Madras city limits; and

**WHEREAS**, there is currently no development on the property; therefore there are no registered voters on the 20.0 acre parcel or on the portion of East Ashwood Road being proposed for annexation; and

**WHEREAS**, a public hearing was scheduled to come before the City Planning Commission during a joint City/County Planning Commission meeting on February 11, 2010; and

**WHEREAS**, the public hearing pertaining to the proposed annexation was continued to May 5, 2010; however, circumstances made it necessary to cancel the May 5, 2010 Planning Commission meeting so a sign was placed on the meeting room door advising all interested parties that the public hearing had been continued to June 16, 2010; and

**WHEREAS**, the City Planning Commission, on June 16, 2010, after considering the Findings of Fact and all materials relevant to the annexation, and after taking into consideration all verbal and written comments from the public and staff, deliberated the matter fully and recommended approval of the proposed annexation of the subject property, containing approximately 20.0 acres, and a portion of East Ashwood Road, into the city limits of Madras; and

**WHEREAS**, the Planning Commission's recommendation was forwarded to the Madras City Council for consideration on June 22, 2010 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), 8-12.9.7 (Public Hearing), and OAR 660-014-0060, (Annexation of Lands Subject to an Acknowledged Comprehensive Plan); and

**WHEREAS**, the City Council of the City of Madras conducted a public hearing on June 22, 2010 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 660-14-0060; 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 20.0 acres of City owned property, and the adjoining road right-of-way on East Ashwood Road, to the electors of the City; and

**WHEREAS**, the City Council, after considering the City Planning Commission's recommendation, considering all written comments and public testimony, and after deliberating the matter fully, determined that the proposed annexation was in compliance with all applicable state statutes and administrative rules, and the City's Comprehensive Plan and Zoning Ordinance.

**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 effective date of this ordinance, which shall be thirty (30) days after its passage.

**SECTION 3:**      **PURPOSE OF ANNEXATION**

The purpose of this annexation is to respond to an identified and acknowledged land supply deficiency, and allow the City to accommodate future residential (urban) development on the property being annexed.

**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**

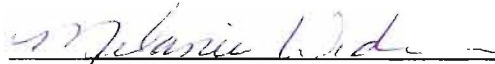
The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 6: CORRECTIONS**

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

**ADOPTED** by the City Council of the City of Madras and signed by the Mayor on this 27<sup>th</sup> day of July, 2010.

Ayes: 3  
Nays: 0  
Abstentions: 0  
Absent: 3  
Vacancies: 0

  
\_\_\_\_\_  
Melanie Widmer, Mayor

ATTEST:


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



EXHIBIT "1"

63885 N. Hwy. 97 ▲ Bend, OR 97701 ▲ (541) 382-4192

Revised Date: August 4, 2010

December 16, 2009  
City of Madras  
Job# 09077

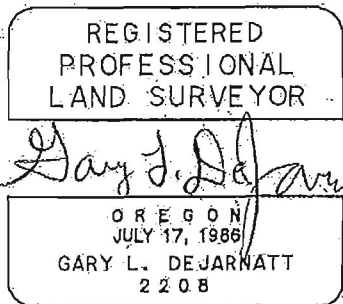
**PROPERTY DESCRIPTION FOR A 20.00 ACRE TRACT OF LAND FOR SCHOOL DISTRICT 509-J**

A portion of Parcel 2 of Partition Plat No. 2002-12 as filed in the Jefferson County Clerk's Office, situated in the Northeast Quarter (NE ¼) of Section 7; Township 11 South, Range 14 East of the Willamette Meridian, Jefferson County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of said Northeast Quarter, monumented with a 2 inch diameter brass cap, from which the Northeast corner of said Section 7 bears South 89°39'40" East a distance of 2640.53 feet; thence South 89°39'40" East along the North line of said Section 7 a distance of 599.97 feet; thence South 00°17'36" West a distance of 40.00 feet to the Northwest corner of said Parcel 2 of Partition Plat No. 2002-12; thence continuing South 00°17'36" West along the West line of said Parcel 2 a distance of 40.00 feet to the South right-of-way line of East Ashwood Road and the **True Point of Beginning of this Description**; thence South 00°17'36" East along said West line a distance of 935.13 feet to the Southeast corner of Parcel 1 of said Partition Plat No. 2002-12; thence leaving said West line South 89°39'40" East a distance of 931.70 feet; thence North 00°17'36" West a distance of 935.12 feet to a point on the South right-of-way line of East Ashwood Road; thence North 89°39'40" West along said right-of-way line a distance of 931.70 feet to the **True Point of Beginning**.

Containing 20.00 acres more or less,

**End of Description.**



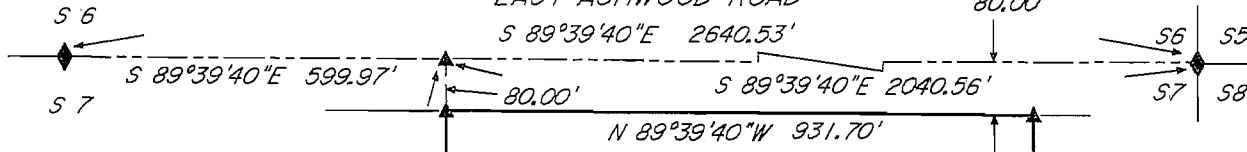
Renews: 12/31/2011

Revised 17 to 12 on 4 line up from the bottom of description

**MAP FOR PROPERTY DESCRIPTION FOR SCHOOL DISTRICT 509-J**  
 A PORTION OF THE NE 1/4 OF SEC. 7, T. 11 S., R. 14 E., W.M., JEFFERSON COUNTY, OREGON.  
 SEE TAX MAP 11-14-7, A PORTION OF TAX LOT 11-14-7-100 AS SHOWN HEREON



1/4 CORNER.



SCALE: 1 INCH = 300 FEET

PARCEL 1 OF  
 PARTITION PLAT  
 NO. 2002-12  
 -NOT A PART-  
 LANDS OF HEINS A. JOHN

20.00 ACRE TRACT

NO. 2002-12  
 OF  
 MADRAS  
 CITY

OF P.P.  
 THE  
 S 89°39'40"E 931.70' OF  
 PARCEL 2  
 LANDS

LEGEND:

- ◆ REMONUMENTED PUBLIC LAND CORNER.
- ▲ CALCULATED CORNER POSITION.
- P.P. PARTITION PLAT.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Gary L. DeJarnatt*

OREGON  
 JULY 17, 1986

GARY L. DEJARNATT  
 2208

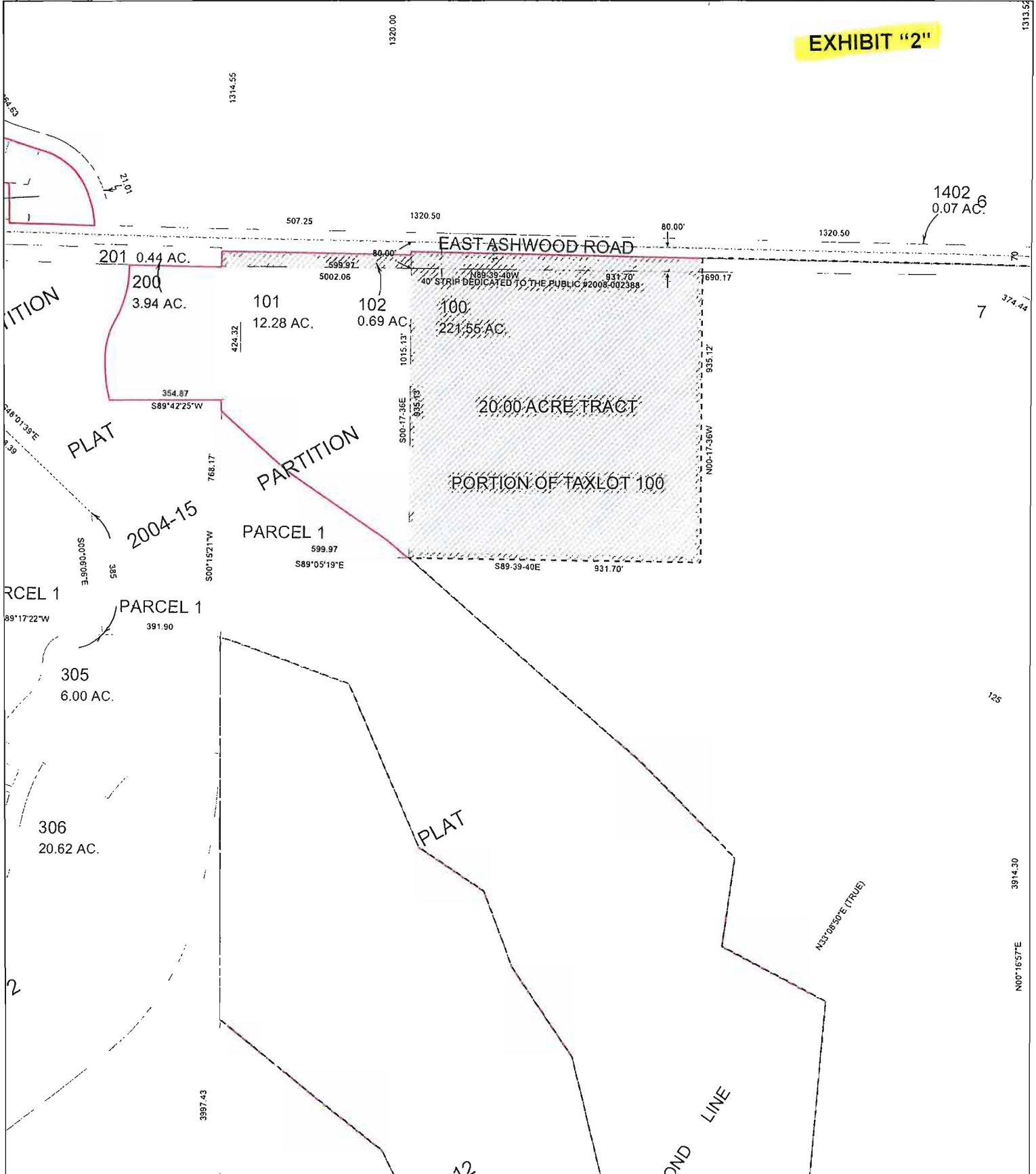
RENEWS: 12/31/2009

PREPARED BY:  
DEJARNATT LAND SURVEYS, INC.

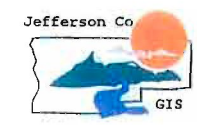
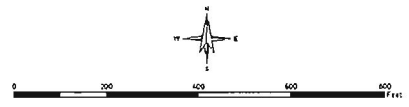
63885 NORTH HWY 97      DATE: DECEMBER 16, 2009  
 BEND, OREGON 97701      SHEET 1 OF 1  
 PHONE: 541-382-4192      JOB # 09077  
 08029 COORD FILE, 08029G SCREEN FILE



EXHIBIT "2"



- Proposed City Annexation
- Madras City Limits
- UGB
- Section Line



Jefferson County uses GIS data in support of its internal business functions and the public services it provides. The GIS data, which Jefferson County does not own, may not be suitable for other purposes or uses. It is the user's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Jefferson County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and failure and potential accuracy of the data. Jefferson County assumes no liability for the information.

Jefferson County GIS - June 2010

**City of Madras  
Community Development Department**

**RECOMMENDED  
FINDINGS AND DECISION**

**FILE NUMBER:** AX-09-01

**DATE:** July 13, 2010

**APPLICANT /  
PROPERTY  
OWNER:** City of Madras  
71 SE "D" Street  
Madras, OR, 97741

**REQUEST:** Annex 20 acres of tax lot 100 on Jefferson County  
Assessor's Map # 11-14-7 and a portion of Ashwood Road

**LOCATION:** The property proposed to be annexed is located south of  
Ashwood Road which is located east of tax lot 101 on  
Jefferson County Assessor's Map # 11-14-7. The northwest  
20 acres of tax lot 100 on Jefferson County Assessor's  
Map # 11-14-7 is proposed be annexed.

**ZONING:** The subject properties are zoned on the Jefferson County  
Zoning Map as Range Land (RL).

**EXHIBITS:**

1. Applicant's Burden of Proof.

**APPLICABLE ORDINANCES AND POLICIES**

1. Pursuant to the City of Madras Zoning Ordinance, Ordinance 723:
  - a. Article 7 – Annexation
2. Oregon Revised Statutes
  - a. ORS 197.250
  - b. 197.747
  - c. 197.752
  - d. 222.111
3. Oregon Administrative Rules

- a. 660-014-0060
- b. 660-014-0070

Note: The City of Madras, when issuing Findings and Decisions for development, attempts to list all applicable City ordinances and requirements. However, should the City inadvertently not specify a particular ordinance, policy or standard, that oversight does not relieve the applicant from meeting the requirements from that ordinance, policy, or standard, or remove the City's obligation and authority to enforce that ordinance, policy, or standard.

**FINDINGS OF FACT:**

- 1. **PROPERTY LOCATION:**  
The property proposed to be annexed is located south of Ashwood Road which is located east of tax lot 101 on Jefferson County Assessor's Map # 11-14-7. The northwest 20 acres of tax lot 100 on Jefferson County Assessor's Map # 11-14-7 is proposed be annexed.
- 2. **ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**  
The subject property is zoned on the Jefferson County Zoning Map as Range Land (RL).
- 3. **SITE DESCRIPION:**  
The subject properties are located on the east side of Madras. The properties front Ashwood Road which is designated as a Major Collector in the City of Madras Transportation System Plan (TSP). The subject properties are located on top of a gentle ridge that runs, generally, from the northwest to the southeast. The properties are not developed at this time and they are vegetated with the native range land vegetation.
- 4. **SURROUNDING USES:**  
North of the subject property is Juniper Hills park (Jefferson County). East of the subject property are properties zoned on the Jefferson County Zoning Map as Range Land. They are not developed at this time. South of the subject properties are properties zoned R-3 on the City of Madras Zoning Map of which are located in the Yarrow Master Plan. West of the subject properties is a single-family detached dwelling which is also located outside of the City of Madras city limits and Urban Growth Boundary. These properties are also zoned on the Jefferson County Zoning Map as Range Land.
- 5. **PROPOSAL:**  
Annex 20 acres of tax lot 100 on Jefferson County Assessor's Map # 11-14-7 and a portion of Ashwood Road. The applicant has only requested

to annex the portion of Ashwood Road of which the 20 acre portion of tax lot 100 fronts Ashwood Road.

6. 11S 14E 7 Lot 100 (20 acres), parcel of lot

Legal description of Lot 100 parcel:

*A portion of Parcel 2 of Partition Plat No. 2002-12 as filed in the Jefferson County Clerk's Office, situated in the Northeast Quarter (NE ¼) of Section 7, Township 11 South, Range 14 East of the Willamette Meridian, Jefferson County Oregon, more particularly described as follows: Commencing at the Northwest corner of said Northeast Quarter, monumented with a 2 inch diameter brass cap, from which the Northeast corner of said Section 7 bears South 89°39'40" East a distance of 2640.53 feet; thence South 89°39'40" East along the North line of said Section 7 a distance of 599.997 feet; thence South 0°17'36" West a distance of 40.00 feet to the Northwest corner of said Parcel 2 of Partition Plat No. 2002-12; thence continuing South 0°17'36" West along the West line of said Parcel 2 a distance of 40.00 feet to the South right-of-way line of East Ashwood Road and the **True Point of Beginning of this Description**; thence South 0°17'36" East along said West line a distance of 935.13 feet to the Southeast corner of Parcel 1 of said Partition Plat No. 2002-17; thence leaving said West line South 89°39'40" East a distance of 931.70 feet; thence North 0°17'36" West a distance of 935.12 feet; to a point on the South right-of-way line of East Ashwood Road; thence North 89°39'40" West along said right-of-way line a distance of 931.70 feet to the **True Point of Beginning**.*

*Contains 20.00 acres more or less.*

***End of Description.***

And a portion of East Ashwood Road.

## **FINDINGS AND CONCLUSIONS:**

**Conformance with City of Madras Zoning Ordinance (No. 723)**

## **ARTICLE 7: ANNEXATION**

**SECTION 7.2 APPLICATION PROCEDURE.** Annexation is a land use decision and is subject to applicable provisions of the City of Madras Comprehensive Plan, Oregon Revised Statutes, and Oregon Administrative Rules. In addition, the procedures below shall be followed:

**A. The Planning Commission shall conduct a public hearing after notification of all property owners with two hundred fifty feet (250') outside of the boundary(ies) of the proposed annexation. The Planning Commission shall review the proposal for compliance with the annexation policies contained in this Ordinance and make a recommendation to the City Council, based on:**

- 1. The annexation proposal which meets the application requirements; and**
- 2. The Planning Commission shall conduct a public hearing to determine a recommendation to the City Council to approve, approve with conditions or modifications, or disapprove the feasibility of the annexation proposal based on the criteria set forth in Section 7.4 below; and**
- 3. The Planning Commission shall state its recommendation and the reasons therefore in writing to the City Council.**

**RESPONSE:** The Madras Planning Commission is scheduled to hold a public hearing on the annexation proposal on June 16, 2010. The Planning Commission determined to approve the annexation proposal based on the applicable criteria set forth in Section 7.4 in the City of Madras Zoning Ordinance (No. 723). The Planning Commission forwarded its recommendation to the Madras City Council to approve the annexation proposal based on the criteria set forth in Section 7.4 of the City of Madras Zoning Ordinance (No. 723)

**FINDINGS:**

- The Planning Commission held a public hearing on June 16, 2010 on the proposed annexation.
- The Planning Commission made a recommendation to the City Council to approve the proposed annexation on June 16, 2010.
- The recommendation of the Planning Commission regarding the proposed annexation is based on the applicable criteria which constitute as the reasons/justification for their recommendation to the City Council.

**B. Upon receipt of the Planning Commission recommendation, the City Council shall conduct a public hearing and consider an Ordinance declaring the requested lands to be annexed to the City of Madras.**

- 1. The City Council shall review the record of the Planning Commission hearing their recommendation and shall determine whether to approve, approve with conditions or modifications, or disapprove the feasibility of the proposed**

**annexation in accordance with the criteria set forth in Section 7.4 below.**

- 2. The City Council may conduct additional public hearings to assist their making a determination.**
- 3. The City Council shall state its determination and the reasons therefore in writing.**

**RESPONSE:** The Madras City Council will review the materials submitted by the applicant and all other relevant materials when they conducted a public hearing for the proposed annexation on June 22, 2010. The City Council held one (1) public hearing on the matter. Additionally, the City Council made a determination to approve the proposed annexation based upon the applicable criteria.

**FINDING:**

- The City Council has reviewed the record and all other relevant materials related to the proposed annexation prior to making a determination to approve the proposal.
- The City Council held one (1) public hearing on the proposed annexation on June 22, 2010.
- The City Council has stated its determination and reasons in writing for the proposed annexation in the recommended findings and decision for the proposed annexation (AX-09-1).

**SECTION 7.3: ANEXATION APPLICATION.** The petitioner for annexation shall complete an application form provided by the Community Development Department. The application fee, established by Resolution of the City of Madras City Council, shall be submitted with the application. The application shall include:

- A. A map demonstrating that the proposed annexation is contiguous to the City Limits;**

**RESPONSE & FINDING:** The applicant has submitted a copy of the Jefferson County Assessor's Map # 11-14-7 (Appendix B), of which the subject property proposed to be annexed into the City of Madras, is located and shows that they are directly adjacent/contiguous to the current Madras city limits.

- B. Specific information on each parcel within the proposed annexation area:**
  - 1. Current assessed valuation shown on Jefferson County Assessor's tax rolls.**

2. **Acreage of both public and private property to be annexed.**
3. **Map and tax lot(s) number.**

**RESPONSE & FINDING:** The applicant has submitted a copy of the Jefferson County Assessor's Office Real Property Assessment Report (Appendix C) that states the current assessed valuation. This report also provides the map number that the subject property is located and tax lot number of which the subject property is located on.

**C. Names and ages of all residents and list of registered voters in the proposed annexation area.**

**RESPONSE & FINDING:** Tax lot 100 on Jefferson County Assessor's Map # 11-14-7 is owned by the City of Madras. The City of Madras is not a registered voter. Similarly, there are no registered voters for East Ashwood Road which has been deeded to the public for road purposes. As such, there is no list of registered voters for the properties proposed to be annexed.

**D. Addresses of all parcels within the proposed annexation area.**

**RESPONSE & FINDING:** Currently there is no development on the property proposed to be annexed into the City. Because there is no development on the property there is no assigned mailing address although the property owner's (City of Madras) mailing address is 71 SE "D" Street, Madras, OR, 97741.

**E. Consent to Annexation forms, provided by the City of Madras, with notarized signatures of all property owners and electors within the proposed annexation area.**

**RESPONSE & FINDING:** The City of Madras is the property owner and has initiated the request for annexation. As such, the request by the City to annex its own property constitutes the consent to annexation. Jefferson County dedicated East Ashwood road to the public for road purposes as shown in Jefferson County Clerk File # MF-2008-002388. The City proposes to annex a portion of East Ashwood Road. There are no other properties proposed to be annexed other than the northwest 20 acres of tax lot 100 on Jefferson County Assessor's Map # 11-14-7 and a portion of East Ashwood Road as show in Appendices A and B.

**F. Written findings, which address the following:**

1. **Existing land uses within annexation area.**

**2. Existing zoning within the annexation area.**

**RESPONSE & FINDING:** The current use of the property delineated in Appendices A and B is range land and road purposes. It is also currently zoned Range Land (RL) on the Jefferson County Zoning Map.

**3. Existing improvements:**

- a. water system
- b. streets
- c. sanitary sewer
- d. storm drainage

**RESPONSE & FINDING:** There are no domestic water, sanitary sewer or storm drainage facilities on the subject property delineated in Appendices A and B. The subject property abuts Ashwood Road along the north property line. Ashwood Road is improved to City standards. Additionally, in the Ashwood right-of-way is the Deschutes Valley Water District domestic water service line and City of Madras sanitary sewer service line. None of which are extended onto the subject property.

**4. Special Districts within the area:**

- a. water districts
- b. irrigation districts
- c. fire district
- d. school district
- e. other

**RESPONSE & FINDING:** The following special districts encompass the subject properties as identified by the Jefferson County Assessor: County General, County Jail Levy, County Jail Bond, County Library, Jefferson County Rural Fire Protection District, Mountain View Hospital, Mountain View Hospital Bond, City of Madras, City of Madras Bond, City of Madras Urban Renewal, Central Oregon Community College, Central Oregon Community College Bond, Jefferson County ESD, SD#509J Madras, SD#509J Madras Bonds, SD#509J Madras Bond/No UR, Madras Aquatic Center, Madras Aquatic Center Bond.

**5. Urban services, the present availability of urban service systems to the proposed annexation area, their capacity and cost of extension and/or improvement to urban standards:**

- a. sanitary sewers - streets - parks
- b. storm drainage - water
- c. fire - power



**d. schools - police**

**RESPONSE & FINDING:** As previously determined in the approved City of Madras and Jefferson County Comprehensive Plan Amendment (Jefferson County File # 01-PA-01) the extension of domestic water and sanitary sewer services was found to be feasible (e.g. capacity and conveyance) and would be required when the property is developed. As such, it has been determined that domestic water and sanitary sewer services are available.

As required in the City of Madras Stormwater Master Plan, all storm water is required to be retained on private property and therefore, compliance with the City Stormwater Master Plan provides adequate stormwater facilities. The cost to install such facilities is not known at this time and directly related to the type of improvement constructed on the subject property when it is developed. Such facilities will be installed upon development of the subject property.

Both Pacific Power and Central Electric Coop provide electrical power services to properties in the vicinity of the subject property. It is not known at this time which company will provide electrical power service to the subject property. Regardless of the provider, the property can be served with electrical power service. The cost of extending sanitary sewer, domestic water, streets, stormwater, and electrical power services to the subject property is not known at this time. The extension of the aforementioned services will be required at the time of development and the property owner will be responsible for extending these services. There will be no cost for the provision of fire protection, police protection and educational services to the subject property. If there are any costs to provide these services, the property owner will be responsible for those costs.

**G. Compliance with all applicable policies of the City of Madras Comprehensive Plan.**

On May 5, 2010 the Oregon Department of Land Conservation and Development (DLCD) acknowledged the amendments to the City of Madras and Jefferson County Comprehensive Plan and Zoning Maps. In order for the aforementioned amendments to be acknowledged by DLCD, the City was required to demonstrate compliance with the City of Madras Comprehensive Plan and Statewide Planning Goals 1, 2, 3, 5, 6, 7, 10, 11, 12, 13 and 14. As such, the applicant herein by reference incorporates the approved findings for the City of Madras and Jefferson County Comprehensive Plan Amendment (Jefferson County File # 01-PA-10) to demonstrate compliance with the City of Madras Comprehensive Plan and applicable Statewide Planning Goals.

**SECTION 7.4: ANNEXATION CRITERIA. Lands may be annexed only if the City Council finds that the following criteria are met:**

**A. The property is contiguous to the City limits.**

**RESPONSE & FINDING:** The properties that are proposed to be annexed into the City of Madras abut tax lot 102 on Jefferson County Assessor's Map # 11-14-7. This tax lot was deeded to the City of Madras for road purposes as demonstrated in Jefferson County Clerk file # MF 2008-002288. Tax lot is improved with road improvements to provide complete transportation facilities for Ashwood Road. Tax lot 102 is contiguous to the city limits and is right-of-way.

The City of Madras proposes to annex the portion of tax lot 102 from the eastern extent of the property illustrated in Appendix B, directly west, to the current city limits boundary in Ashwood Road. To clarify, the property described in Appendix A and the portion of Ashwood Road right-of-way which is directly adjacent to the property described in Appendix A are proposed to be annexed into the Madras city limits. Tax lots 101 and 200 on Jefferson County Assessor's Map # 11-14-7 are not proposed to be annexed.

**B. The property is located within the City's Urban Growth Boundary.**

**RESPONSE & FINDING:** As previously mentioned, the subject property was incorporated into the City of Madras UGB on May 5, 2010, which was when the DLCDC acknowledged the amendments to the City of Madras and Jefferson County Comprehensive Plan and Zoning maps established in Jefferson County File # 01-PA-10. Such acknowledgment demonstrates the subject property is located in the City of Madras UGB.

**C. The annexation meets at least one of the following purposes:**

**2. To provide land to accommodate future urban development;**

**RESPONSE & FINDING:** The subject property which is proposed to be annexed was incorporated in the City of Madras Urban Growth Boundary (UGB) in response to the identified and acknowledged 20-year residential land supply deficiency established in the City of Madras Urbanization Report and Addendum (2006). By expanding the Madras UGB in response to identified and acknowledged land supply deficiency and then annexing such property or a portion thereof, will allow the City to accommodate future residential (urban) development to occur on the property being annexed.

To allow the properties to be included in the Madras UGB (Jefferson County File # 01-PA-10) and used for residential purposes, they need to be annexed into the City and zoned for residential uses. This annexation proposal is limited to only 20 acres of the 36.91 acres that were included in the Madras UGB

expansion (01-PA-10) and a portion of East Ashwood Road which is directly adjacent to the property described in Appendix A. Subsequent to this land use action (annexation) will be the Comprehensive Plan and Zoning designation (i.e. rezone) of the subject property.

- D. The petitioner has adequately addressed infrastructure supply and demand issues. The annexation is considered timely in that an adequate level of urban services and infrastructure can be provided upon annexation or a plan is in place for the provision of such services or infrastructure in a reasonable period of time.**

**RESPONSE & FINDING:** The petitioner is the City of Madras of which has determined that all public facilities (i.e. domestic water, wastewater, stormwater and transportation) are available to serve the property being proposed for annexation. Moreover, the capacity analysis of public facilities to serve the subject properties was conducted in the Comprehensive Plan and Zoning map amendments (Jefferson County File # 01-PA-10) as required by State statute. Such analysis and findings are incorporated herein by reference to demonstrate that the necessary public facilities can adequately serve future development on the subject property and thereby satisfy the above stated criterion. Due to the location of the subject property with respect to the location of the existing city limits boundary and domestic water, wastewater, stormwater and transportation facilities, the proposed annexation is timely as those facilities have capacity to serve the subject property, can be extended to the subject property and, with exception to stormwater, all are adjacent to the subject property. Moreover, a plan is in place and supported by State statute and City of Madras Ordinances which require the aforementioned facilities to be extended to the subject property at the time of development. By de facto, State statute and City Ordinances will require the necessary public facilities to be extended to the subject property in a reasonable time period (i.e. when it is developed).

- E. The proposed annexation complies with the City's Comprehensive Plan. If the Comprehensive Plan does not control the annexation, or substantial changes in conditions have occurred which render the Comprehensive Plan inapplicable to the annexation, the proposed annexation complies with current Statewide Planning Goals.**

**RESPONSE & FINDING:** The City of Madras Comprehensive plan does not regulate the annexation of property into the City. The City did satisfy the requirements of Statewide Planning Goals 1, 2, 3, 5, 6, 7, 10, 11, 12, 13 and 14 as part of the Comprehensive Plan and Zoning map amendments (Jefferson County File # 01-PA-10). All information and findings demonstrating compliance with the aforementioned Statewide Planning Goals are included herein by reference to demonstrate compliance with the above stated criterion.

- F. The City is capable of extending City services to the area proposed for annexation without negatively impacting existing systems and the City's ability to adequately serve all areas within the existing City limits.**

**RESPONSE & FINDING:** The City of Madras provides wastewater, stormwater and transportation services for the property proposed to be annexed. The City of Madras Public Works Director provided a letter to the Community Development Department of January 26, 2010 stating the that City has capacity to provide wastewater and stormwater services to the subject property when it is developed.

Additionally, as part of the zone change land use action (RZ-10-1) the City was required to submit a Transportation Impact Analysis (TIA) to fulfill the Transportation Planning Rule (TPR) requirements set forth in OAR 660-012-0060. The scope of the TIA was reviewed by the City Public Works Director and the Oregon Department of Transportation (ODOT). Ultimately it was found and concluded that the proposed 20 acre zone change from the current Jefferson County zoning designation from Range Land (RL) to the City of Madras Comprehensive Plan and Zoning designation of Multiple Family Residential (R-2) that it all the study intersections would perform within adopted operational standards at the end of the planning horizon with or without the proposed annexation and re-zoning (City File # RZ-10-01) of the subject property, except the intersections of US 97 and J Street. These intersections exceed adopted standards and the proposed annexation and re-zoning produce a "significant effect" on the intersections. However, improvements for the intersections that are included in the Madras Transportation System Plan (TSP) and the 2010-2013 Draft Statewide Transportation Improvement Plan (STIP) have been deemed "reasonably likely" to occur in the planning horizon, thus mitigating the proposal's significant effect. In conclusion, the City can provide those services to the subject property without negatively impacting/affecting existing wastewater, stormwater and transportation facilities.

- G. The proposed annexation is compatible with the existing topography, potential for future land division, natural hazards and other related considerations.**

**RESPONSE & FINDING:** The property being requested to be annexed is located on the top of a gentle ridge of which does not produce topographical constraints for future land divisions for residential uses or those permitted in the Multiple Family Residential zone (R-2). The subject property is not located on steep slopes (slopes greater than 25%), the floodway, or the floodplain. As such, by annexing the subject properties it will not subject future development to likely risk of being impacted by natural hazards.

**SECTION 7.5: APPLICATION PROCESSING PROCEDURE.** The procedures for processing a request for full and complete annexation shall be:

- A. A completed application with fee is received by the City of Madras Community Development Director.**

**RESPONSE & FINDING:** Because the City of Madras is the applicant, no fees are required to process the proposed annexation application. This is consistent with current City policy and past practices.

- B. The Community Development Director shall prepare a compliance report indicating the degree of compliance of the subject property with the provisions of this Code and other City standards, and compliance with any conditions subject to development of the property.**

**RESPONSE & FINDING:** Upon receipt of this application, the Community Development Director will prepare a staff report and findings for the Madras Planning Commission and City Council that together indicate the degree of compliance with the applicable standards and procedures for annexation set forth in the Oregon Revised Statutes, Oregon Administrative Rules, and the City of Madras Zoning Ordinance.

- C. Annexation petitions shall be presented to the City Council at a public hearing; if accepted, the Community Development Director shall schedule a Public Hearing before the City's Planning Commission, followed by a Public Hearing before the City Council for a decision on the proposed annexation.**

**RESPONSE & FINDING:** The Community Development Director will forward the application (petition) for annexation to the Madras Planning Commission and City Council. Public hearings have been scheduled for the Planning Commission on June 16, 2010 and the City Council on June 22, 2010.

**SECTION 7.6: ANNEXATION BY CONSENT.** The City need not hold an election in the City or in any contiguous territory proposed to be annexed, or hold any hearing required by ORS 222 when all the owners of land in that territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the City. Once consent for annexation has been executed, the City, by ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

**RESPONSE & FINDING:** The City of Madras owns tax lot 100 on Jefferson County Assessor's Map # 11-14-7. It is proposed to annex the northwest 20

acres of tax lot 100 as show in Appendix A. Additionally, Jefferson County has jurisdiction of East Ashwood Road. On January 27, 2010 the Jefferson County Board of Commissioners consented to the City annexing a portion of East Ashwood Road into the City (Appendix B). Because the City owns tax lot 100 and is the applicant requesting annexation and Jefferson County has consented to the annexation of a portion of East Ashwood Road, it is concluded that the property owners consent to the proposed annexation proposal and therefore an election regarding the annexation of the subject property.

## **Conformance with State Statutes**

### **Oregon Revised Statutes**

#### **Chapter 197 – Comprehensive Land Use Planning Coordination**

##### **197.250 Compliance with goals required.**

**Except as otherwise provided in ORS 197.245, all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.**

**RESPONSE:** The City of Madras' Comprehensive Plan and Zoning Ordinance are acknowledged by the Oregon Department of Land Conservation Department. Furthermore, the recent amendments to the Madras Comprehensive Plan and map were recently acknowledged by DLCDD on May 5, 2010. Therefore, the City of Madras is compliant with ORS 197.250.

#### **FINDING:**

- The City of Madras Comprehensive Plan and Zoning Ordinance (No. 723) are acknowledged and approved, respectively, by the Oregon Department of Land Conservation and Development.

##### **197.747 Meaning of “compliance with the goals” for certain purposes.**

**For the purposes of acknowledgment under ORS 197.251, board review under ORS 197.805 to 197.855, review of a proposed regional problem-solving agreement under ORS 197.652 to 197.658 or periodic review under ORS 197.628 to 197.650, “compliance with the goals” means the comprehensive plan and regulations, on the whole, conform with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature.**

**RESPONSE:** The City of Madras does not challenge the interpretation of ORS 197.747. Additionally, the City of Madras Comprehensive Plan and Zoning

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Ordinance (No. 723) are acknowledged by the Oregon Department of Land Conservation and Development. By definition, the City of Madras Comprehensive Plan and Zoning Ordinance (No. 723) comply with ORS 197.747.

**FINDING:**

- By definition, the City of Madras Comprehensive Plan and Zoning Ordinance (No. 723) comply with ORS 197.747.

**197.752 Lands available for urban development.**

**(1) Lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards.**

**RESPONSE:** The properties proposed to be annexed into the City of Madras are available for urban development. Key urban facilities (i.e. wastewater, domestic water, stormwater and transportation) will be extended to the subject properties to facilitate urban development when the properties are developed. The extension of these facilities will require compliance with the City of Madras Wastewater Master Plan, City of Madras Stormwater Master Plan, City of Madras Transportation System Plan, Deschutes Valley Water District Master Plan, and the City of Madras public improvement standards contained City of Madras ordinances.

**FINDING:**

- The subject properties are located in the Madras Urban Growth Boundary.
- Key urban facilities will be extended to the subject properties when development occurs.
- The extension of all public facilities will comply with the plans, policies and standards of the service provider's.

**(2) Notwithstanding subsection (1) of this section, lands not needed for urban uses during the planning period may be designated for agricultural, forest or other nonurban uses.**

**197.754 Land identified for urban services; capital improvement plan; tax assessment.**

**(1) A local government may identify land inside an urban growth boundary for which the local government intends to provide urban services within the next five to seven years. The local government may evidence its intent by adopting a capital improvement plan reasonably designed to provide the urban services.**

**(2) A local government that identifies an area for planned urban services and adopts a capital improvement plan may zone the area**

**for urban uses. A city that identifies land that is outside the city's boundary but inside the urban growth boundary shall coordinate with the appropriate county to zone the area for urban uses.**

**RESPONSE:** The subject properties of which are proposed to be annexed into the City of Madras are located in the City of Madras and Deschutes Valley Water District service areas. Each entity has master plans that specify how their respective utility services will be extended to the subject properties which are located in the City of Madras Urban Growth Boundary. Each of the master plans serve as capital improvement plans for entity.

On May 5, 2010 the amendments to the Jefferson County and City of Madras Comprehensive Plans and Zoning Maps to expand the City of Madras Urban Growth Boundary by approximately 36.91 acres, of which included the subject properties was acknowledged by DLCD. At this time the City only proposes to annex the northwest 20 acres of tax lot 100 and a portion of East Ashwood Road. Subsequent to this land action the City will zone the northwest 20 acres of tax lot 100 and a portion of East Ashwood Road Multiple Family Residential (R-2) (City File # RZ-10-01). Therefore, the balance of the property included in the 36.91 acre UGB expansion will remain its current Jefferson County zoning designation of Range Land (RL).

**FINDING:**

- The City of Madras and Deschutes Valley Water District has capital improvement plans that encompass the subject properties of which details how their respective utility service lines will be extended to the subject properties.
- The property included in the 36.91 acre UGB expansion (Jefferson County File # 01-PA-10) that is not proposed to be annexed into the City will retain its County zoning designation of Range Land (RL). The planning and provision of key public facilities to these properties is identified in the City of Madras and Deschutes Valley Water District capital improvement plans.

**(3)(a) Land in an area zoned for urban uses under this section shall not be subject to additional taxes under ORS 308A.700 to 308A.733 if the land ceases to be used for farm use within the five years following the date the area is zoned for urban uses.**

**(b) A lot or parcel in an area zoned for urban use under subsection (2) of this section shall not be assessed at its value for farm use under ORS 308A.050 to 308A.128 unless the lot or parcel was receiving the farm use assessment at the time the area was zoned for urban uses.**



**RESPONSE & FINDING:** ORS 197.752(3)(a) and (b) apply to the subject properties.

**Chapter 222 -- City Boundary Changes; Mergers; Consolidations; Withdrawals**

**222.111 Authority and procedure for annexation.**

**(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.**

**RESPONSE:** Based on the findings contained in this document, the proposed annexation will comply with all City of Madras requirements. The properties being proposed to be annexed into the City of Madras are contiguous to the current city limits boundary as previously found. The findings demonstrating that the subject properties are contiguous to the current city limits boundary are incorporated herein by reference.

**FINDING:**

- The proposed annexation satisfies all City of Madras and State regulations regarding annexation of property with the consent of all affected property owners.
- The properties proposed to be annexed into the City are contiguous to the current city limits boundary.
- The property owners of the property proposed be annexed into the City have consented to the annexation of their property into the City of Madras city limits.

**(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.**

**RESPONSE & FINDING:** The Madras City Council has authorized the annexation of the property that they own as evidenced by the Agreement for Exchange of Real Property (Property Exchange Agreement) signed by the City of Madras Mayor Frank Morton on September 27, 2006 (Appendix D). The City Council also authorized the annexation of the subject properties on April 28, 2009 when they authorized a professional services contract with a private

consultant to expand the City of Madras Urban Growth Boundary and city limits to include the northwest 20 acres of tax lot 100 on Jefferson County Assessor's Map # 11-14-7 (Appendix A).

**(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.**

**RESPONSE & FINDING:** The City of Madras chooses assess the tax rate of the City of Madras for the subject properties upon the effective date of the annexation.

**(4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.**

**RESPONSE & FINDING:** The annexation territory does not include part or an entire area of a district specified in ORS 222.510 and therefore the above stated criterion is not applicable to the proposal.

**(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.**

**RESPONSE:** ORS 222.125 states:

*“The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”*

ORS 222.125 identifies when legislative bodies are required, by statute, to hold an election in the city regarding territory proposed for annexation. ORS 222.120 (state above) relieves legislative bodies from holding an election related to territory proposed to be annexed when, “*all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body.*” The City of Madras and Jefferson County are the only two (2) owners of property in the territory proposed to be annexed. Both entities consent to the proposed annexation. The requirement of the City to submit, the proposal for annexation to the electors of the territory proposed for annexation as stated ORS 222.111(5) is not required as the requirements of ORS 222.125 are satisfied which removes the requirement of the City to comply with ORS 222.111(5).

**FINDING:**

- All of the property owners in the territory proposed for annexation consent to the annexation proposal which meets the requirements of ORS 222.125.
- By satisfying the requirements of ORS 222.125, the City is not required to submit the proposal for annexation to the electors of the territory proposed for annexation as stated ORS 222.111(5).

**(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.**

**RESPONSE & FINDING:** As discussed above, the City is not required to submit the proposed annexation to electors as required in ORS 222.111(5) and permitted in ORS 222.125.

**(7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.**

**RESPONSE & FINDING:** The applicant only has submitted one (1) proposal for annexation that includes one property and a portion of East Ashwood Road. There are not two (2) annexation proposals being considered at this time and therefore the above stated criterion is not applicable to this annexation proposal.

## **Oregon Administrative Rules**

### **DIVISION 14 – Application of the Statewide Planning Goals to Newly Incorporated Cities, Annexation, and Urban Development on Rural Lands**

#### **660-014-0060 -- Annexations of Lands Subject to an Acknowledged Comprehensive Plan**

**A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation.**

**RESPONSE:** The City of Madras Comprehensive Plan and Zoning Ordinance (No. 723) are acknowledged by DLCD. Section 7.4—Annexation of the Zoning Ordinance (No. 723) provides the process and approval criteria for annexation of territory into the City and thereby controls annexation. Therefore the Land Conservation and Development Commission are not required to review and approve the annexation proposal as the City's Comprehensive Plan and Zoning Ordinance satisfy the requirements of ORS 197.251.

#### **FINDING:**

- The City of Madras Comprehensive Plan and Zoning Ordinance (No. 723) are acknowledged by the Oregon Department of Land Conservation and Development Commission.
- The current acknowledgment status of the Madras Comprehensive Plan and Zoning Ordinance (No. 723) remove the requirement of the Oregon Land Conservation and Development Commission to review the annexation proposal as the provisions of the Zoning Ordinance (No. 723) control the annexation of territory into the City of Madras.

#### **660-014-0070 -- Annexations of Lands not subject to an Acknowledged Comprehensive Plan**

(1) All appropriate goals must be applied during annexation by the city. If the annexation is subject to the jurisdiction of a local government boundary commission, the boundary commission may utilize the findings of the city. The boundary commission, however, remains responsible for ensuring that the annexation is in conformance with the statewide goals.

(2) For the annexation of lands not subject to an acknowledged plan, the requirements of Goal 14 (Urbanization) shall be considered satisfied only if the city or local government boundary commission, after notice to the county and an opportunity for it to comment, finds that adequate public facilities and services can be reasonably made available; and:

(a) The lands are physically developed for urban uses or are within an area physically developed for urban uses; or

(b) The lands are clearly and demonstrably needed for an urban use prior to acknowledgment of the appropriate plan and circumstances exist which make it clear that the lands in question will be within an urban growth boundary when the boundary is adopted in accordance with the goals.

(3) Lands for which the findings in section (2) of this rule cannot be made shall not be annexed until acknowledgment of an urban growth boundary by the commission as part of the appropriate comprehensive plan.

**RESPONSE & FINDING:** As discussed above, the Madras Comprehensive Plan and Zoning Ordinance are acknowledged by the Oregon Department of Land Conservation and Development. As such, the above stated criteria are not applicable to this annexation proposal.

### **DECISION**

Based on the “Conclusionary Findings” described above, and when the conditions set forth in each “Finding” are met, it has been determined that the proposed site plan will meet the applicable criteria set forth in the General Ordinances of the City of Madras. Therefore, the City of Madras Planning Commission grants **Annexation APPROVAL** of AX-09-01 (City of Madras), subject to the following conditions being met (and as individually and more specifically set forth above):

Approval is based on the application, materials, and site plan submitted on May 27, 2010 and thereafter, and all items listed under “Exhibits.” Any alteration

to the approved plans, except modified by the following conditions of approval, may require a modification or a new application. Approval is based on the applicant meeting all conditions set forth under "Findings" in the section entitled "Conclusionary Findings"

//////////////////////////////////////END OF CONDITIONS//////////////////////////////////////

**THIS DECISION BECOMES FINAL FIFTEEN (15) DAYS FROM DATE MAILED UNLESS A WRITTEN APPEAL IS SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT WITH A PAYMENT OF A \$250 APPEAL FEE. FOR INFORMATION ON APPEALS, PLEASE CALL (541) 475-3388.**

**In accordance with Madras Land Development Ordinance (MLDO) Section 8-12.6.3 "Time Limit": *"Authorization of a Conditional Use shall be void after one (1) year unless a building permit has been obtained and remains valid. However, a written request to extend the time limit for an additional period not to exceed one (1) year may be submitted to the Community Development Department for scheduling before the Planning Commission for their determination.***

\_\_\_\_\_  
**Mayor, Melanie Widmer**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mailed by**

\_\_\_\_\_  
**Date**

Cc: Planning Commission  
Site Plan Committee  
Adjacent Property Owners  
File



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