

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

May 5, 2008

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 008-07

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: May 20, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 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.

Cc: Gloria Gardiner, DLCD Urban Planning Specialist Mark Radabaugh, DLCD Regional Representative Bill Holmstrom, DLCD Transportation Planner Tammy McHaney, City of Madras

E 2 Notice of Adoption

THIS FORM <u>MUST BE MAILED</u> TO DLCD <u>WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION</u> PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Madras	Local file number: RZ-07-3
Date of Adoption: <u>4/22/2008</u>	Date Mailed: 4/28/2008
Date original Notice of Proposed Amendment was mailed	to DLCD: 10/19/2007
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 The City of Madras approved a rezone of a	
City limits.	
Describe how the adopted amendment differs from the pro If you did not give Notice for the Proposed Amendment, w Same	rite "N/A".
Plan Map Changed from:	
Zone Map Changed from: R1	to: R2
Location: 11-13-12 D #206/11-13-12 DB #100	Acres Involved 23+/-
Specify Density: Previous: Single/Duplex	New: Multi Family
Applicable Statewide Planning Goals: 10	
Was and Exception Adopted? YES NO	
DI CD Eile No. 008-07 (16483)	

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment			
Forty-five (45) days prior to first eviden	ntiary hearing?	⊠ Yes	□ No
If no, do the statewide planning goals app	ly?	☐ Yes	□ No
If no, did Emergency Circumstances require immediate adoption?			□ No
Affected State or Federal Agencies, Local Governments or Special Districts; City of Madras; Deschutes Valley Water District; Jefferson County Fire District; Jefferson County School District; possibly FEMA.			
Local Contact: Tammy McHaney	Phone: <u>(541)</u> 475-338	8 Extensi	ion;
Address: 71 SE D Street	City: Madras		
Zip Code + 4: 97741 -	Email Address: tmcha	ney@ci.n	nadras.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> 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.
- 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.
- 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

E 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



	Local file number: RZ-07-3
Date of Adoption: <u>4/22/2008</u>	
Date original Notice of Proposed Amendment was mailed	
Comprehensive Plan Text Amendment Land Use Regulation Amendment	
New Land Use Regulation	Other:
Summarize the adopted amendment. Do not use technical	terms. Do not write "See Attached".
The City of Madras approved a rezone of a City limits.	
City mints.	
Describe how the adopted amendment differs from the proof of the Proposed Amendment, Same	write "N/A".
Describe how the adopted amendment differs from the proof of the Proposed Amendment, Same	write "N/A".
If you did not give Notice for the Proposed Amendment,	write "N/A".
If you did not give Notice for the Proposed Amendment, Same	write "N/A".
If you did not give Notice for the Proposed Amendment, Same Plan Map Changed from:	to:
If you did not give Notice for the Proposed Amendment, Same Plan Map Changed from: Zone Map Changed from: R1	to: R2
Plan Map Changed from: Zone Map Changed from: R1 Location: 11-13-12 D #206/11-13-12 DB #100	to: to: R2 Acres Involved: 23+/-
Plan Map Changed from: Zone Map Changed from: R1 Location: 11-13-12 D #206/11-13-12 DB #100 Specify Density: Previous: Single/Duplex	to: R2
Plan Map Changed from: Zone Map Changed from: Location: 11-13-12 D #206/11-13-12 DB #100 Specify Density: Previous: Single/Duplex Applicable Statewide Planning Goals: 10	to: to: R2 Acres Involved: 23+/- New: Multi Family
If you did not give Notice for the Proposed Amendment, Same Plan Map Changed from: Zone Map Changed from: R1 Location: 11-13-12 D #206/11-13-12 DB #100 Specify Density: Previous: Single/Duplex	to: to: to: R2 Acres Involved: 23+/- New: Multi Family

Did the Department of Land Conservation and Development	t receive a Notice of Pi	roposed Am	endment		
Forty-five (45) days prior to first evidentian	y hearing?	⊠ Yes	□ No		
If no, do the statewide planning goals apply?		☐ Yes	□ No		
If no, did Emergency Circumstances require immediate adoption?			□ No		
Affected State or Federal Agencies, Local Governments or S	Special Districts:				
City of Madras; Deschutes Valley Water Dis	trict; Jefferson C	County Fi	re District;		
Jefferson County School District; possibly FEMA.					
Local Contact: Tammy McHaney Ph	one: (541) 475-338	88 Extens	sion;		
	ty: Madras				
Zip Code + 4: 97741 -	nail Address: tmcha	ney@ci.i	madras.or.us		
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1. <u>Send this Form and TWO (2) Copies of the Adopted Amendment to:</u>

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.
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ORDINANCE NO. 803

AN ORDINANCE AMENDING THE CITY OF MADRAS COMPREHENSIVE PLAN AND ZONE MAP FOR THE REZONE OF APPROXIMATELY 24.24 ACRES OF R-1 (SINGLE-FAMILY RESIDENTIAL) PROPERTY TO R-2 (MULTI-FAMILY RESIDENTIAL), 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 within the City's Urban Growth Boundary; and

WHEREAS, the City's Community Development Department received an application from Meridian Park, LLC on October 10, 2007 asking that Map #11-13-12 D, Tax Lot #206 containing approximately 9.64 acres and Map #11-13-12 DB, Tax Lot #100 containing 14.6 acres more or less, be rezoned from R-1 (Single-Family Residential) to R-2 (Multi-Family Residential); and

WHEREAS, the purpose of the rezone is that in order to make available public utilities and services, the area warrants higher densities than the existing R-1 (Single-Family Residential) zoning affords and the proposed plan designation for this property will allow a higher density that will meet Madras' housing need and allow the extension of public utilities at a more affordable cost; and

WHEREAS, a public hearing was scheduled before the City Planning Commission on December 5, 2007 to accept comments from the public on the proposed rezone; and

WHEREAS, the hearing was continued to February 20, 2008 based on the comments that had been received from the Oregon Department of Transportation and the Department of Land Conservation and Development in which they were asking the applicant to provide a "Transportation Impact Analysis"; and

WHEREAS, the applicant, on January 31, 2008, provided the City Community Development Department with a copy of the required "Transportation Impact Analysis" which had been prepared by Lancaster Engineering; and

WHEREAS, the hearing before the City Planning Commission which had been continued to February 20, 2008 had to be continued once again to March 5, 2008 to allow the Community Development Department additional time to review the Transportation Impact Analysis and complete the required staff report; and

WHEREAS, on March 5, 2008 the City Planning Commission, after hearing comments from the public and considering all written evidence in the record, deliberated the matter fully, adopted the Findings of Fact and Conclusions of Law contained in the

staff report, and forwarded a recommendation to the City Council that the Council approve the rezone of Assessor's Map #11-13-12 D, Tax Lot #206 and Map #11-13-12 DB, Tax Lot #100 from R-1 (Single-Family Residential) to R-2 (Multi-Family Residential); and

WHEREAS, the City Council held a public hearing during their regularly scheduled City Council meeting on Tuesday, April 8, 2008 to allow the public to attend and present comments on the proposed rezone; and

WHEREAS, the City Council, after considering the comments that were presented during the hearing and considering all written evidence in the record, deliberated the matter fully, accepted the Findings of Facts and Conclusions of Law contained in the staff report, and agreed with the Planning Commission's recommendation to approve the rezone.

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

The Comprehensive Plan and Zone Map of the City of Madras are hereby amended to rezone Assessor's Map #11-13-12 D, Tax Lot #206 and Map #11-13-12 DB, Tax Lot #100 from R-1 (Single-Family Residential) to R-2 (Multi-Family Residential).

The Findings of Fact and Conclusions of Law contained in the Staff Report, attached hereto as Exhibit "A", which were approved by the Planning Commission and City Council, are hereby adopted and incorporated herein. Said findings have been designated by the City's Community Development Department as File #RZ-07-3.

SECTION 3: The City's Community Development Department shall hereby provide the Oregon Department of Land Conservation and Development, and any others who are entitled to notice thereof, with a copy of the approved ordinance.

SECTION 4: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5: This ordinance may be amended or repealed as provided by law.

SECTION 6: This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

SECTION 7:

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 of	Council of the	City of Ma _, 20 <i>08</i>	dras this	ag nd	day of
Ayes: _ Nays: _ Abstentions: _ Absent:	5 0 0					
Vacancies:	0	.la	ason Hale	Mayor	h	

ATTEST:

Karen J. Coleman, City Recorder



STAFF RECOMMENDATION TO THE PLANNING COMMISSION

FILE NUMBER:

RZ-07-3

DATE MAILED:

HEARING DATE:

March 5, 2008

APPLICANT:

Meridian Park LLC

500 Willamette Avenue Stayton, OR. 97383

OWNER:

Meridian Park LLC

500 Willamette Avenue Stayton, OR 97383

REQUEST:

The applicant is requesting approval of a zone change from R-1, Single

Family Residential to R-2, Multi-Family Residential.

LOCATION:

The subject properties are located in the southeast portion of the City along north side of SE J Street. The properties are further identified on Jefferson County Assessor's Map No. 11-13-12D, as tax lot 206 and 11-

13-12DB, as tax lot 100.

STAFF

REVIEWER:

Steve Miller, Community Development Director

APPLICABLE ORDINANCE PROVISIONS:

- 1. City of Madras Comprehensive Plan, Administrative Procedures,
 - Quasi-judicial Revision
- 2. City of Madras Development Code, Chapter 8; Development Regulations
 - Article 8, Amendments
 - Section 8-12.8.2, Zone/Plan Map Amendments

• Article 9, Administrative Provisions

> Section 9.28, Proposed Amendments

EXHIBITS

The following exhibits have been submitted with this application:

1. Title Report

Deed of Ownership

- 3. Owner's Consent to Application Owner Authorization Letter
- 4. Vicinity Map
- 5. TIA Report

FINDINGS OF FACT:

- 1. LOCATION: The subject properties are located in the southeast portion of the City along north side of SE J Street. The properties are further identified on Jefferson County Assessor's Map No. 11-13-12D, as tax lot 206 and 11-13-12DB, as tax lot 100.
- 2. ZONE, MAP AND COMPREHENSIVE PLAN DESIGNATION: The subject property is zoned Single Family Residential (R-1) on the City of Madras Comprehensive Plan and Zoning Map.
- 3. SITE DESCRIPTION AND SURROUNDING LAND USES: The subject properties create an irregular lot shape and together total approximately 24.24 acres in size. Together the properties have a fairly flat topography; however the site does slope slightly from west to east towards Willow Creek. The property is currently undeveloped and is vegetated with a combination of native grasses and ground cover, as well as upland riparian vegetation along Willow Creek.

The property is bounded by SE J Street on the south and Buff Street to the north. Properties to the west have been developed with residential subdivisions, while land to the north, and east are largely undeveloped or developed with one single family home. All properties surrounding the subject site are zoned residential. Willow Creek bounds the site along the eastern property boundary.

- 4. PROPOSAL: The applicant is proposing to rezone two (2) properties totaling approximately 24.24 acres from R-1, Single Family Residential to R-2, Multi-Family Residential. No development of the site is proposed at this time. Primary access into the site will be off of SE J Street.
- 5. PUBLIC NOTICE AND COMMENTS: The City of Madras Planning Division sent notices of the request to surrounding owners of record of property as shown on the most recent property tax assessment roll within 250 feet of the subject property. No letters of comments were received in response to this application notice prior to the mailing of the staff report.

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6. AGENCY COMMENTS: Various agencies were also sent notices; their comments and recommendations are listed below in italics:

The following are comments and recommendations received by various agencies and are not necessarily reflective of the Conditions of Approval for the proposed project.

FIRE DEPARTMENT COMMENTS:

No comments for Zone Change.

PUBLIC WORKS DEPARTMENT:

No recommendation

RECOMMENDED AND CONCLUSIONARY FINDINGS:

CONFORMANCE WITH THE CITY OF MADRAS DEVELOPMENT CODE ORDINANCE NO. 723; ARTICLE 8; SECTION 8-12.8.2, ZONE/PLAN MAN AMENDMENTS.

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: Staff finds that the proposed zone change from R-1 to R-2 is from one "residential" designation to another within the Madras City Limits and is consistent with statewide planning goals for an orderly pattern and sequence of growth. These designations have been adopted as part of the City of Madras Comprehensive Plan and Zoning Code (including Plan and Zoning text and maps). The Madras Comprehensive Plan and Zoning Code/Maps have been acknowledged by the Oregon Department of Land Conservation and Development and, as such, have been deemed to be in compliance with all applicable state statutes and administrative rules. It is the local Comprehensive Plan and Zoning codes that implement the state laws and rules – thus, compliance with local laws ensures compliance with state requirements. Staff finds that by showing compliance with these criteria for a zoning map amendment, the proposal will be in conformance with all applicable state statutes.

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

FINDING: Staff finds that Goals 2 – Land Use Planning, 10 – Housing, 11 – Public Facilities and Services, and 12 – Transportation are the applicable goals. These are addressed below.

Goal 2: Staff finds that the proposal is in conformance with the Madras Comprehensive Plan Map because it entails a change of zoning that is from one residential designation to another (R-1 to R-2). Both zones are intended primarily for single-family residential development. The Plan goals and policies are addressed in Criterion #3 below. As also stated above, the Madras Comprehensive Plan and Zoning Code/Maps have been

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acknowledged by the Oregon Department of Land Conservation and Development (DLCD) and, as such, have been deemed to be in compliance with all applicable state statutes and administrative rules. The DLCD acknowledgement also means such plans are in compliance with the Statewide Planning Goals. It is the local Comprehensive Plan and Zoning codes that implement the state laws and rules – thus, compliance with local laws ensures compliance with state requirements. By showing compliance with these criteria for a zoning map amendment, the proposal will be in conformance with all applicable statewide planning goals.

Goal 10: Staff finds that Goal 10 requires that local governments plan for adequate and varying housing types and densities to sustain expected growth within the urban area during the 20-year comprehensive planning period. In this case, the proposed zone change will still allow for residential development, however multi-family dwellings of two (2) or more units will now be allowed outright, which will promote a greater density and diversification of dwelling units to occur since the R-2 zone has a higher density than does the R-1 zone. In this case though, the increased density of the R-2 zone will only allow approximately three additional lots over and above the density that would be possible in the R-1 zone on the 24.24 acre site (88 - single family detached lots under R-1 zoning rather than 230-dwelling units under R-2 zoning). The relatively small increase in density and number of housing units possible under the proposed zone change allows the uniquely configured and sized property to feasibly be developed as an "in-fill" development given the need for street rights-of-way dedications and cost for public infrastructure to develop the site. At the same time, the increase in impacts associated with the zone change will have a fairly negligible affect on the surrounding public infrastructure and livability of the area, except for the "J" Street intersection with Highway 97, which will need to be addressed as part of this zone change and future development of the site. Ultimately, the future housing types and density will be in the same design and proportions as the mix of development types in the surrounding neighborhoods. At build-out, the future multi-family residential development will provide the mix, type and density of housing that is needed in the City of Madras and envisioned when the Comprehensive Plan was adopted for the urban area.

Goal 11: Staff finds that Goal 11 requires Cites to plan for adequate infrastructure for expected level of development within the urban area. The City of Madras has an acknowledged Comprehensive Plan, which establishes intended densities for residential development, and a Transportation System Plan and Sewer Master Plan, which shows how planed urban areas will be served with such services. The applicant contends that the zone change in and of itself will not have an impact on the availability of public facilities and services available to the site, rather, it is the future development of the site. In this regard, all public facilities (water, sewer and streets) as well as public utilities (electric) are available for development. As is stated in the portion of this document that addresses public facilities and services in relation to the proposed subdivision, the adequacy of all such services and infrastructure must be demonstrated by the applicant - or such facilities must be improved based on the proportionality of the degree of impact expected. Staff finds that the applicant has addressed all public facility and service related issues as part of the subdivision application. Those proposed findings and the tentative plan indicate that he public facilities and services are either adequate for the proposed subdivision or will be improved by the applicant to the degree necessary to mitigate the impacts. All improvements and dedications will be done in conformance with adopted City of Madras standard.

Goal 12: Staff finds that Goal 12 requires Cities to plan for adequate transportation infrastructure for the expected level of development within the urban area.

RZ-07-3

Meridian Park Rezone Page 4 of 7

The applicant has submitted a Transportation Impact Analysis (TIA) study prepared by Lancaster Engineering. City of Madras ordinances require approvals of quasi-judicial plan amendments/and or zone changes that are not accompanied by applications for a specific development proposal to be based on evaluation of the highest impact use authorized in the proposed zone or what could be interpreted as an analysis of the "worst case scenario". The study submitted by the applicant was predicted on a worst-case scenario however, as noted by Lancaster Engineering, the worst-case land use under both the current and proposed zoning is residential. As such, the submitted TIA relies on existing traffic volumes at the study intersections to determine the distributional patterns for the proposed zone change.

Staff agrees with the TIA submitted by the applicant that it evaluates the worse-case scenario for the proposed zone change request. However, when studying the SE "J" Street/ Highway 97 intersection, it appears to indicate that the intersection will operate at acceptable levels of service based on the realignment project for this intersection being in place. The City of Madras adopted a Transportation System Plan (TSP) which identified necessary street improvements for build-out of the Urban Area. As part of the TSP, the City has adopted the "J" Street/US97 intersection realignment project. Staff does not disagree with this observation made by the TIA, but the applicant has not indicated that these mitigation measures will be in place as a result of the zone change request. Without the mitigation in place, the intersection does not operate at an acceptable level of service. With that said, staff understands that the total cost of the realignment project in not proportional to the impacts generated by this zone change request. Nevertheless, the ultimate improvement is necessary to the "J" Street/Highway 97 intersection for this request, as noted in the TIA, in order for the intersection to operate at sufficient levels of service. Because the ultimate improvement to the "J" Street/Highway 97 intersection is not proportional to the overall impacts generated by this zone change request, the City will be requesting a "pro-rata" share contribution from the applicant at the time future development is contemplated.

Thus, because future development or other changes to the property will be subject to the land-use review process which will provide all affected agencies ample opportunity to review and comment. Since the requested zone change does not contemplate any change of current use of the subject site, staff does not believe requiring a more involved transportation study or analysis at this time would be of any value. Nonetheless, with that said, staff does believe approval of the zone change request will set in motion the probability that a more intense use will be developed on the site in the near future. Therefore, as a condition of any final approval, staff recommends to the Planning Commission that the applicant be required to participate in the "J" Street/Highway 97 reroute project at a level proportionate to their future development of the site.

Based on the findings above, and the applicant's ability to meet the recommended condition of final approval, staff finds that the proposed zone change will not create an excessive demand on the street system or create traffic safety hazards.

3. In conformity with the Madras Comprehensive Plan, Zoning and Land Use Ordinance, and polices;

FINDING: It was stated previously in this document that the proposed zone change from R-1 to R-2 is from one "residential" designation to another within the Madras City Limits. These designations have been adopted as part of the City of Madras Comprehensive Plan and

RZ-07-3 Meridian Park Rezone Page 5 of 7

Zoning Code (including Plan and Zoning text and maps). Thus, this application is for a zone change only and the proposal is in compliance with the Comprehensive Plan Map designation of "residential."

On the basis that the comprehensive plan designation and underlying zoning designation both intend the primary use of the property for residential development, staff finds that the proposal will continue to be in conformity with the Madras Comprehensive Plan and Zoning/Land Use Ordinance upon future development according to City standards.

4. That there is a change in circumstances or further studies justifying the amendment or mistake in the original zoning.

FINDING: Staff finds that the subject property was designated R-1 on the Madras Comprehensive Plan and Zoning map when originally adopted in 1979. Since that time significant development has occurred within the City limits that has altered the development pattern surrounding the site, surrounding properties have developed and additional studies, plans and maps have been adopted by the City of Madras, all of which affect the ability to develop and the desirability of the subject property for multi-family residential uses.

Based on these findings, staff finds that there have been further studies and significant changes in the anticipated development pattern and development of infrastructure in the surrounding area since the original zoning designation was applied.

CONFORMANCE WITH THE CITY OF MADRAS DEVELOPMENT CODE ORDINANCE NO. 723; ARTICLE 9; SECTION 8-12.8.2, ZONE/PLAN MAN AMENDMENTS.

Section 9.28: Proposed Amendments - The City Council shall hold a public hearing on all changes to the Comprehensive Plan, zoning ordinance text and plan/zone map. All proposed amendments shall be processed in accordance with the public hearing procedures under Section 9.6 of this Ordinance. Text and map amendments shall also be submitted to the Department of Land Conservation and Development forty-five (45) days prior to the date set for final action except as provided for under ORS 197.610.

FINDING: The Madras Planning Commission must first hold a public hearing to consider a recommendation to the City Council; after receiving the Planning Commission's recommendation, the City Council shall schedule a public hearing to take testimony on the request.

Pursuant to ORS 197.610, the City of Madras sent the 45-day notice to the Department of Land Conservation and Development (DLCD) on October 19, 2007, which was at least 45-days prior to the first evidentiary hearing held on December 5, 2007. The first evidentiary hearing was continued to February 20th, 2008 in order to allow the applicant sufficient time to complete a Transportation Impact Analysis (TIA) for the proposed zone change. The continued hearing was further continued to March 5th, 2008 because staff needed additional time to adequately address the results of the TIA.

RECOMMENDATION

RZ-07-3

Based on the above Findings of Fact and Conclusionary Findings, Staff finds that the proposed zone change will meet the intent of the comprehensive plan and zone change criteria. Therefore, staff recommends that the Planning Commission recommend that the City

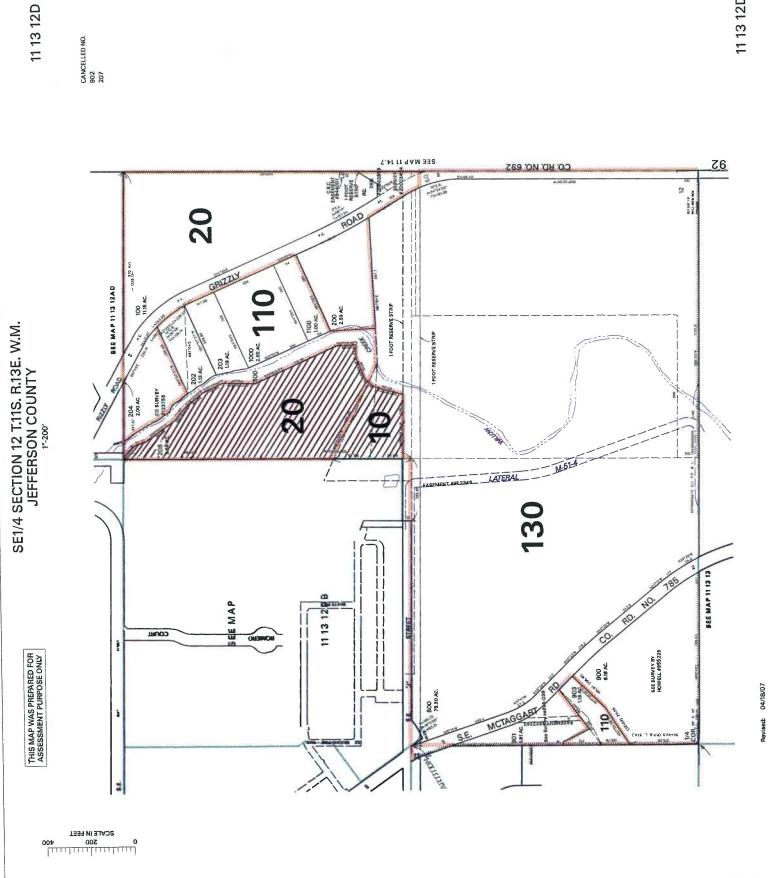
Meridian Park Rezone Page 6 of 7

Council approve the proposed Plan and Zone Map amendment to re-zone the subject property from Single Family Residential (R-1) to Multi-Family Residential (R-2), and adopting the Conclusionary Findings in support of the Plan and Zone Map amendment. If approved, the applicant should be subject to the following conditions of approval:

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant shall participate in the ultimate intersection improvement to the "J" Street/Highway 97 reroute project by making a pro-rata share contribution at the time the site is submitted for development. Staff will work with the applicant at the time of future development to determine the projects nexus on the intersection and base the pro-rata share contribution on the applicant's proportional impacts.

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11 13 12DB



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Attention: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

