

Date	Item included in City Record
1/2/2025	A. County Ordinance No. O-176-24, Adopted 12-30-2024
1/6/2025	B. Notice of Decision
1/6/2025	C. Parties of the Record List
12/10/2024	City Ordinance No. 990 Pioneer, City Council Staff Report
12/10/2024	City Ordinance No. 990, Adopted 12-10-24
12/4/2024	Ordinance No. 990 Pioneer Newspaper Notice
12/4/2024	Affidavit of Publication for Ordinance No. 990
11/12/2024	City Council Public Hearing, Staff Report with Attachments
11/12/2024	EcoNorthwest Presentation to City Council
11/8/2024	Michelle Varley Letter
11/5/2024	Department of Land Conservation & Development Letter
10/23/2024	A. Planning Commission Agenda & Packet
10/23/2024	B. Economic Development for Central Oregon Presentation
10/23/2024	C. Central Oregon Land Watch Letter
10/23/2024	D. Planning Commission Meeting Minutes
10/22/2024	City Council Public Hearing, Staff Report
10/21/2024	Pioneer Newspaper Notice Affidavit of Publishing
10/9/2024	A. Joint Planning Commission Hearing, City Staff Report
10/9/2024	B. Joint Planning Commission Hearing, City Staff Report Presentation
10/9/2024	C. Joint Planning Commission Hearing, Large Lot Industrial Findings for Packet (10-1-24)
10/9/2024	D. North Unit Irrigation District (NUID) Piping Cost Letter
10/9/2024	E. Kip Light Letter
10/9/2024	F. Gary Harris Letter
10/9/2024	G. Madras Planning Commission Meeting Minutes
10/4/2024	Susan Rask Letter
10/3/2024	Madras Public Works Director Memorandum Sewer Comparison for Sites 8 & 9
10/1/2024	Steve & Susan Rask Letter
9/26/2024	Reschedule City Council Public Hearing Adjacent Property Owner Notice
9/18/2024	A. Joint Planning Commission Hearing, City Staff Report with Exhibits
9/18/2024	B. Joint Planning Commission Hearing, EcoNorthwest Presentation
9/18/2024	C. Joint Planning Commission Hearing, County Staff Report
9/18/2024	D. Joint Planning Commission Hearing, Jefferson County Testimony
9/18/2024	E. Economic Development for Central Oregon Presentation
9/18/2024	F. Central Oregon Land Watch Email
9/18/2024	G. Jefferson County & City of Madras Urban Growth Area Management Agreement
9/18/2024	H. Madras Planning Commission Meeting Minutes
9/18/2024	I. Madras Planning Commission Meeting Attendance Sheet
9/9/2024	North Unit Irrigation District (NUID) letter
8/30/2024	TPR Analysis Memo, EcoNorthwest
8/14/2024	Adjacent Property Owner Notice Email Requesting Notices to be mailed
8/14/2024	Pre-App (Agency) Notice for UGB amendment, Zone Change, & Annexation
8/13/2024	Planning Commission & City Council Newspaper Public Hearings Notice
8/12/2024	Madras Large Lot Industrial Findings with Appendices



125 SW "E" Street
Madras, OR 97741
541-475-2344
www.ci.madras.or.us

**NOTICE OF DECISION
(URBAN GROWTH BOUNDARY AMENDMENT, ANNEXATION, REZONE)
Planning File Nos. PA-24-1, ZC- 24-1, and AX-24-1**

January 7, 2025

To whom it may concern,

You are receiving this letter because you are a party of record to, or otherwise entitled to notice of, the decision made on the above-referenced land use application.

On December 11, 2024, the Madras City Council adopted an ordinance approving a proposal submitted by Jefferson County for an urban growth boundary (UGB) amendment, annexation, and zone change under the above-referenced planning file numbers. More specifically, this ordinance adds approximately 198 acres of land owned by Jefferson County identified as Jefferson County Map and Tax Lots 10-13-27-200, 10-13-27-300, 10- 13-28-100, and 10-13-28-300 (near intersection of Clackamas Drive and Dogwood Lane) to the Madras urban growth boundary (UGB) along with certain abutting rights-of-way, annexes such lands into the City of Madras, and re-designates and rezones such lands to Large Lot Industrial (LLI) under the Madras Urban Area Comprehensive Plan and Zone Map. This is the final local decision on the matter.

If you believe that the UGB amendment does not comply with applicable laws and regulations, you may submit an objection to Oregon Department of Land Conservation and Development (DLCD). To be considered by DLCD, an objection must be timely filed and contain the following three elements. Address each of these in your objection:

1. Clearly identify an alleged deficiency in the work task or adopted comprehensive plan amendment sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the submittal is alleged to have violated;
2. Suggest specific revisions that would resolve the objection; and
3. Demonstrate that the objecting party participated orally or in writing in the local process leading to the final decision.

Submit the objection in hard copy or via e-mail to:

Attention: Periodic Review Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301
E-mail: DLCD.PR-UGB@dlcd.oregon.gov

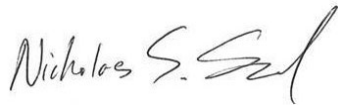
DLCD must receive the objection no later than 21 days from the date this notice was mailed. Send a copy of the objection to the Madras Community Development Department (ATTN: Community Development Director Nicholas Snead, 125 SW E Street, Madras, OR, 97741) and Jefferson County Community Development Department (ATTN: Phil Stenbeck, Interim Community Development Director, 85 SE D Street, Madras, Oregon, 97741, Phil.Stenbeck@jeffersoncountyor.gov).

If you have questions about DLCD's review of this amendment, please contact the DLCD Regional Representative: Angie Brewer, 541-306-8530, angie.brewer@dlcd.oregon.gov.

Any component of the decision not subject to the DLCD's review may be appealed by filing a notice of appeal with the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date this notice was mailed as specified in the Oregon Revised Statute (ORS) 197.830. Contact LUBA at 503-373-1265 for further information.

You may review a copy of this ordinance and decision, and all materials in the record or otherwise pertaining to this decision, at Madras City Hall located at 125 SW "E" Street, Madras, Oregon 97741, between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding state and federal holidays. Copies of such materials are subject to applicable fees set forth in the Madras Fee Resolution/Master Fee Schedule. Contact Community Development Director Nicholas Snead (contact information below) if you have questions.

I certify that copies of this notice were mailed to the recipients identified in the notice list on file at Madras City Hall on the date of this letter.



Nicholas Snead
Community Development Director
125 SW E Street
Madras, OR, 97741
nsnead@ci.madras.or.us
541-232-2916

PA-24-1, ZC-24-1, AX-24-1				
Parties of the Record				
Notice Type	NAME	M_ADDRESS	M_CITY_STATE_ZIP	EMAIL
Email	Agencies (Pre-App email group)	N/A	N/A	Alexis Mccabe <amccabe@jeffco.net>;
Email	Agencies (Pre-App email group)	N/A	N/A	Andrea Breault <abreault@coic.org>;
Email	Agencies (Pre-App email group)	N/A	N/A	Angie Brewer <angie.brewer@dlcd.oregon.gov>;
Email	Agencies (Pre-App email group)	N/A	N/A	Brett Goodman <bgoodman@crestviewcable.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Catherine Doran <cdoran@lsnetworks.net>;
Email	Agencies (Pre-App email group)	N/A	N/A	Chris Funk <cfunk@ci.madras.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Daniel Hall <dhall@ci.madras.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Donald Morehouse <donald.morehouse@odot.state.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Gary Cahoun <gcalhoun@northunitid.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Gary Dejarnatt <dejarnatt@bendcable.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Isaac Blair <Isaac.Blair@jeffersoncountyor.gov>;
Email	Agencies (Pre-App email group)	N/A	N/A	J Turek <jturek@northunitid.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Jamie Gatewood <jgatewood@fhco.org>;
Email	Agencies (Pre-App email group)	N/A	N/A	Jared Earnest <jearest@jcfire-ems.org>;
Email	Agencies (Pre-App email group)	N/A	N/A	Jeff Hurd <jhurd@ci.madras.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Jeff McCaulou <jeff.mccaulou@co.jefferson.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Jeff Rasmussen; Jeff Rasmussen <jeff.rasmussen@co.jefferson.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Joel Gehrett <jgehrett@dwvd.org>;
Email	Agencies (Pre-App email group)	N/A	N/A	Jon Harrang <jharrang@oda.state.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Joseph Franell <jfranell@bluemountainnet.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Josh Ainger <joshua.aigner@cngc.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Josh Bailey <jbailey@northunitid.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Katrina Flande <katrina.flande@co.jefferson.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Kiva Hanson <khanson@pamplinmedia.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Matt Powlison <matt.powlison@co.jefferson.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Max Hamblin <max.hamblin@co.jefferson.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Michael Baker <mbaker@cityofmadras.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Michele Quinn <mquinn@ci.madras.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Mike Britton <mbritton@northunitid.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Nancy Coleman <ncoleman@usbr.gov>;
Email	Agencies (Pre-App email group)	N/A	N/A	Nick Snead <nsnead@ci.madras.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	ODOT Planning Mgr 4 <ODOTR4PLANMGR@odot.state.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Phil Stenbeck <phil.stenbeck@jeffersoncountyor.gov>;
Email	Agencies (Pre-App email group)	N/A	N/A	Phil Stenbeck <phil.stenbeck@co.jefferson.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Simon White <swhite@509j.net>;
Email	Agencies (Pre-App email group)	N/A	N/A	Sosanna McHugh <Sosanna.McHugh@tdstelecom.com>;
Email	Agencies (Pre-App email group)	N/A	N/A	Tanya Cloutier <tanya.cloutier@co.jefferson.or.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	TJ Johannsen <tjohannsen@jcfire-ems.org>;
Email	Agencies (Pre-App email group)	N/A	N/A	Will Ibershof <wibershof@cityofmadras.us>;
Email	Agencies (Pre-App email group)	N/A	N/A	Zachary Quinn <zquinn@ci.madras.or.us>
Email	EDCO	N/A	N/A	Jon Stark <jon@edcoinfo.com>;
Email	EDCO	N/A	N/A	Brenna Fulks <brenna@edcoinfo.com>
Email	Rory Isbell	N/A	N/A	Rory Isbell <rory@colw.org>
Mail	VARLEY, MICHELLE ANNE-LUCILLE	2520 NW DOGWOOD LN	MADRAS, OR 97741-8909	
Mail	ZEHR, STEPHEN A & DORINE J	2266 NW DOGWOOD LN	MADRAS, OR 97741-8906	
Mail	CLOWERS, BRADLEY AND LINDA TRUST	3544 NW MCCREADY DR	BEND, OR 97703-8627	

Notice Type	NAME	M_ADDRESS	M_CITY_STATE_ZIP	EMAIL
Mail	JEFFERSON COUNTY	66 SE D ST STE A	MADRAS, OR 97741-1621	
Mail	JEFFERSON COUNTY ET AL	31711 298TH AVE SE	BLACK DIAMOND, WA 98010-7509	
Mail	JEFFERSON COUNTY	66 SE D ST STE A	MADRAS, OR 97741-1710	
Mail	MADRAS, CITY OF	1921 NE CHERRY LN	MADRAS, OR 97741-8957	
Mail	BROWN FAMILY REVOCABLE TRUST ET AL	2842 NW CLACKAMAS DR	MADRAS, OR 97741-8908	
Mail	KENNEY FAMILY REVOCABLE LIVING TRUST	3990 ABBEY LN STE B404	ASTORIA, OR 97103-2243	
Mail	JEFFERSON COUNTY	66 SE D ST STE A	MADRAS, OR 97741-1710	
Mail	LIGHT REVOCABLE TRUST DATED 06/18/2018	2038 NW CLACKAMAS DR	MADRAS, OR 97741-8908	
Mail	MADRAS, CITY OF	125 SW E ST	MADRAS, OR 97741-1346	
Mail	Steve & Susan Rask	3020 NW Dogwood Lane	Madras, OR, 97741	
Mail	Gary Harris	7000 NW Danube Drive	Madras, OR, 97741	
Mail	Kip Light, Board Chairman	2098 NW 6th Street	Redmond, OR 97756	
Mail	Jefferson County Farm Bureau	798 SE Dover Lane	Madras, OR, 97741	

ORDINANCE NO. 990

AN ORDINANCE OF THE CITY OF MADRAS AMENDING THE COMPREHENSIVE PLAN TO BRING APPROXIMATELY 198 ACRES INTO THE URBAN GROWTH BOUNDARY, ANNEXING SUCH LANDS INTO THE CITY OF MADRAS, AND AMENDING THE MADRAS URBAN AREA COMPREHENSIVE PLAN AND ZONE MAP TO REZONE THE ANNEXED LANDS TO LARGE LOT INDUSTRIAL

WHEREAS, Jefferson County is the owner of approximately 198 acres of land identified as Jefferson County Assessor's Map and Tax Lot 10-13-27-200, 10-13-27-300, 10-13-28-100, and 10-13-28-300, which lands, together with certain abutting rights-of-way, are legally described and depicted in the attached Exhibit A and Exhibit B respectively (collectively, the "Annexed Territory");

WHEREAS, pursuant to City of Madras ("City") Planning File Nos. PA-24-1, ZC-24-1, and AX-24-1 (collectively, the "Application"), Jefferson County proposed (i) amending the Madras Comprehensive Plan and Madras Urban Area Comprehensive Plan and Zone Map to include the Annexed Territory within City's urban growth boundary, (ii) annexing the Annexed Territory into the jurisdictional boundaries of the City of Madras, and (iii) redesignating and rezoning the Annexed Territory under the Madras Urban Area Comprehensive Plan and Zone Map as Large Lot Industrial (LLI);

WHEREAS, City provided appropriate notice of the Application to the Department of Land Conservation and Development;

WHEREAS, after holding a duly noticed public hearing on September 18, 2024, which was continued until October 9, 2024, reviewing all relevant materials, considering written comments and public testimony, and evaluating compliance with applicable approval criteria, the Madras Planning Commission deliberated the matter fully on October 23, 2024 and recommended that City Council approve the Application;

WHEREAS, the Madras City Council held a duly noticed public hearing on October 22, 2024, which was continued until November 12, 2024; and

WHEREAS, after reviewing all relevant materials, considering written comments and public testimony, evaluating compliance with applicable approval criteria, and deliberating the matter fully, the Madras City Council voted to adopt this Ordinance No. 990 (this "Ordinance") to approve the Application.

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

SECTION 1: FINDINGS; APPROVAL

- 1.1 The findings contained in the recitals and those found in the attached Exhibit C are hereby adopted. Council finds that the Application is consistent with statewide land use goals, all applicable state statutes and

administrative rules, the Madras Comprehensive Plan, applicable provisions of the Madras Development Code, and all other applicable approval criteria.

- 1.2 The urban growth boundary amendment, annexation, plan amendment and zone change proposed under the Application are hereby approved subject to the conditions of approval set forth in Exhibit D.

SECTION 2: UGB AMENDMENT

- 2.1 The Annexed Territory, as described in the attached Exhibit A and depicted in the attached Exhibit B, is hereby included within the Madras urban growth boundary.

SECTION 3: ANNEXATION

- 3.1 The Annexed Territory, as described in the attached Exhibit A and depicted in the attached Exhibit B, is hereby annexed into the jurisdictional boundaries of the City of Madras
- 3.2 The annexation agreement in the form attached hereto as Exhibit E (the "Annexation Agreement") is hereby approved. The Mayor is authorized to execute the Annexation Agreement on behalf of City.
- 3.3 Upon mutual execution of the Annexation Agreement, the City Recorder will cause notice of the annexation adopted by this Ordinance to be recorded with the Jefferson County Clerk.
- 3.4 Upon mutual execution of the Annexation Agreement, the City Recorder will file with the Jefferson County Assessor and the Oregon Department of Revenue legal descriptions and accurate maps showing the Annexed Territory.
- 3.5 Upon mutual execution of the Annexation Agreement, notification will also be forwarded to the appropriate state agencies, Jefferson County Clerk, Jefferson County GIS Department, Jefferson County Community Development Department, and to all utilities subject to notice pursuant to ORS 222.005.

SECTION 4: DESIGNATION AND ZONING OF ANNEXED TERRITORY

- 4.1 The Annexed Territory is hereby designated under the Madras Comprehensive Plan and zoned for purposes of the Madras Development Code as Large Lot Industrial (LLI).

- 4.3 The Madras Urban Area Comprehensive Plan and Zone Map is hereby amended as shown in the attached Exhibit F.

SECTION 5: MISCELLANEOUS

- 5.1 City staff are directed to update the Madras Comprehensive Plan and related maps to reflect this Ordinance and to take such other actions as may be necessary to further the purposes of this Ordinance.
- 5.2 If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.
- 5.3 All exhibits attached to this Ordinance are part of this Ordinance and incorporated herein by reference.
- 5.4 This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the City Council of the City of Madras and signed by the Mayor this 10th day of December, 20 24.

Ayes: 4
Nays: 0
Abstentions: 0
Absent: 2
Vacancies: 0


Mike Lepin, Mayor

ATTEST:


Keli Pollock, City Recorder

EXHIBIT A
LEGAL DESCRIPTION OF ANNEXED TERRITORY
[attached]

Exhibit A

UGB Expansion and Annexation

Located in the Southeast One-Quarter of the Southwest One-Quarter and the South One-Half of the Southeast One-Quarter of Section 21, the Southwest One-Quarter of the Southwest One-Quarter of Section 22, the Northwest One-Quarter of the Northwest One-Quarter of Section 27, and the Northeast One-Quarter and the East One-Half of the Northwest One-Quarter of Section 28, Township 10 South, Range 13 East, Willamette Meridian, Jefferson County, Oregon, being more particularly described as follows:

BEGINNING at a brass cap at the West One-Quarter corner of said Section 27 and the East One-Quarter corner of said Section 28; Thence along the South line of said Northeast One-Quarter of Section 28 North $89^{\circ}38'58''$ West 2648.01 feet to the West right of way line of NW Clackamas Drive (County Road 561); Thence along the West right of way line of said NW Clackamas Drive North $0^{\circ}01'36''$ East 2676.06 feet to the North right of way line of NW Dogwood Lane; Thence along the North right of way line of said NW Dogwood Lane South $89^{\circ}49'05''$ East 2644.97 feet to the common line between said Section 21 and said Section 22; Thence leaving the common line between said Section 21 and said Section 22 and continuing along the North right of way line of said NW Dogwood Lane South $89^{\circ}47'02''$ East 1330.56 feet to an extension of the East line of said Northwest One-Quarter of the Northwest One-Quarter of Section 27; Thence along the East line of said Northwest One-Quarter of the Northwest One-Quarter of Section 27 South $0^{\circ}12'11''$ West 1355.84 feet to the Southeast corner of said Northwest One-Quarter of the Northwest One-Quarter of Section 27; Thence along the South line of said Northwest One-Quarter of the Northwest One-Quarter of Section 27 North $89^{\circ}55'49''$ West 1324.91 feet to the North One-Sixteenth corner on the common line between said Sections 27 and 28; Thence along the common line between said Sections 27 and 28 South $0^{\circ}02'24''$ East 1324.62 feet to the **TRUE POINT OF BEGINNING**.

The Basis of Bearings is South $89^{\circ}49'05''$ East along the North right of way line of NW Dogwood Avenue per CS 18-002, Jefferson County Survey Records.

The above described land contains 204.20 acres, more or less.



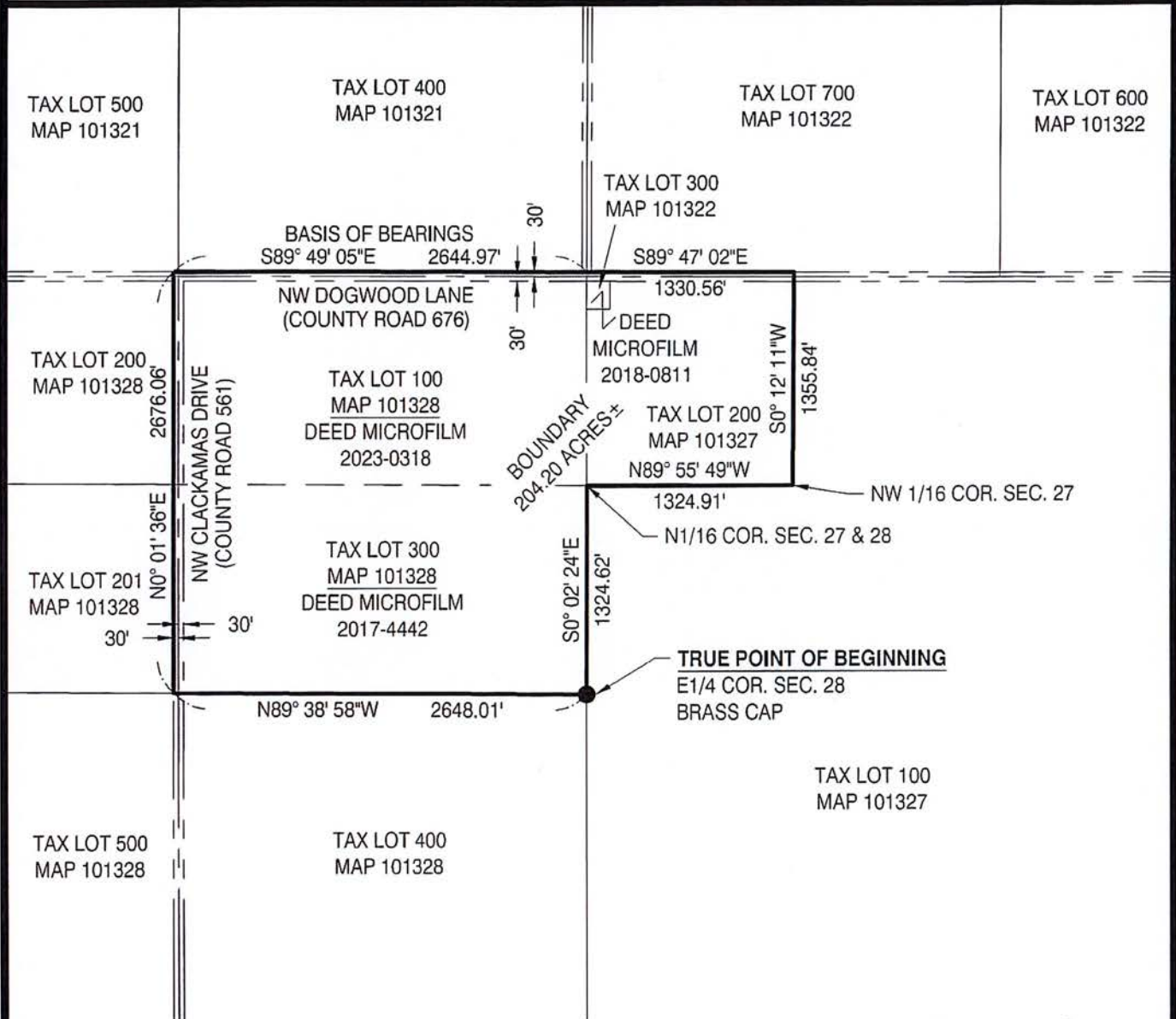
EXHIBIT B
DEPICTION OF ANNEXED TERRITORY

[attached]

EXHIBIT B

UGB EXPANSION AND ANNEXATION

LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER AND THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 21, THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 22, THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 27, AND THE NORTHEAST ONE-QUARTER AND THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, JEFFERSON COUNTY, OREGON.



H.A. M'COY
ENGINEERING & SURVEYING LLC

1180 SW LAKE ROAD SUITE 201
REDMOND, OR 97756
(541) 923-7554

SCALE: 1" = 1000'
FOR 8.5"x11" SHEETS

12-2-2024
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jason L. Simes
OREGON
NOVEMBER 10, 2009
JASON L. SIMES
83256PLS

EXPIRES 6/30/26

PROJECT: CITY OF MADRAS

DRAWN BY: JJW DATE: 12/02/2024 PAGE 1 OF 1 PROJECT#: 15-015

EXHIBIT C
FINDINGS

[attached]

City of Madras
Findings of Compliance

Applicant/ Owner:	Jefferson County 66 SW D Street Madras, OR, 97741
Files:	PA-24-1, ZC-24-1, AX-24-1
Map & Taxlot:	The subject property is comprised of Tax Lots 10-13-27-200, 10-13-27-300, 10-13-28-100, and 10-13-28-300 and is identified in various application materials as "Site 9", "Area 9", or "Subarea 9".
Acreage:	Approximately 198.16 acres
Current Zoning:	Jefferson County EFU, A-1.
Proposed Zoning:	Large Lot Industrial (LLI)
Proposal:	Amend City of Madras Urban Area Comprehensive Plan & Zoning Map to: (i) include the subject property in the Madras Urban Growth Boundary; (ii) annex the subject property into the Madras city limits, and (iii) redesignate and rezone the subject property from agricultural/Jefferson County Exclusive Farm Use (EFU, A-1) zoning to City of Madras Large Lot Industrial (LLI).

APPLICABLE CRITERIA:

1. Statewide Planning Goals
 - a. Statewide Planning Goals 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
2. Madras Comprehensive Plan Goals and Policies:
 - a. Goals 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
3. Oregon Revised Statutes:
 - a. ORS 197A.285
 - b. ORS Chapter 222
4. Oregon Administrative Rules:
 - a. OAR 660-012-0060 ("Transportation Planning Rule" or "TPR")
 - b. OAR
 - c. OAR 660, Division 24 (Urban Growth Boundaries)
5. Madras Development Code, Chapter 18
 - a. Chapter 18.75 (Amendments)
 - b. Chapter 18.80 (Administrative Provisions)

FINDINGS OF COMPLIANCE:

Based on the record established in these proceedings, the Madras City Council finds that the proposal meets applicable approval as more specifically addressed below:

STATEWIDE PLANNING GOALS:

Goal 1 Citizen Involvement

FINDING: Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. The City of Madras notified nearby property owners, published a public hearing notice and contact information in the newspaper, and facilitated public participation during public hearings. The public was then provided the opportunity to be involved in the decision-making process for the proposal through submittal or written comments and/or testifying at public hearings (offered both in-person and by video conference) before the Madras Planning Commission, Madras City Council, Jefferson County Planning Commission, and Jefferson County Board of County Commissioners. The table below shows the public notices.

Notice Type	Date Issued or Published	Notes
Post Acknowledgement Plan Amendment (PAPA) to DLCD	8/1/24	
Adjacent Property Owner Notice	8/14/24	
Development Team/Agencies Notice	8/14/24	
Madras Pioneer Newspaper Public Hearing Notice	See notes	Published on August 21 st and 28 th and on September 4 th , 2024

Goal 2 Land Use Planning

FINDING: Goal 2 outlines the basic procedures of Oregon’s statewide planning program, stating that land use decisions must be made following comprehensive plans and that effective implementation ordinances must be adopted. Madras’s acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision-making. The City’s Comprehensive Plan and implementing ordinances provide the local criteria by which the applicant’s request will be reviewed. The proposal requires review and compliance with the applicable statewide planning goals as addressed herein. No exception to statewide planning goals is proposed or necessary. Goal 2 also requires the consideration of alternatives. The City considered a range of alternative sites. As part of the review process a record was developed with all materials in the record made available to all interested parties and decision makers. These findings and the record developed in these proceedings provide the factual basis for the City’s decision. Goal 2 also requires a decision to be based on adequate information in the record. Based on these findings and the evidence in the record, and specifically the Madras Industrial Large Lot UGB Expansion Justifications and Findings final report prepared by ECONorthwest dated October 24 (including any supplemental information provided by ECONorthwest, the “ECONorthwest Report”), the transportation analysis prepared by Kittelson & Associates dated August 30, 2024 (including any supplemental information provided by Kittelson & Associates, the “Kittelson Analysis”) and submittals from Jefferson County, the City finds that the decision is supported by substantial evidence. Goal 2 has been properly addressed.

Goals 3 Agricultural Lands and 4 Forest Lands

FINDING: As stated in 660-024-0020(1)(b), Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary. No further analysis is required.

Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources

FINDING: Goal 5 requires local governments to inventory and protect natural resources. There are no inventoried Goal 5 resources on the subject property in either the County or City Comprehensive Plan. No further analysis is required.

Goal 6 Air, Water and Land Resources Quality

FINDING: Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. The proposal, in and of itself, will have no effect on the quality of air, water and land resources of the area as it involves no physical development. Any physical development of the site will be required to comply with applicable provisions of state law and the Madras Development Code, which contain provisions to mitigate impacts to air, water, and land resources. By complying with applicable air, water and land resource regulations, Goal 6 will be properly addressed.

Goal 7 Areas Subject to Natural Disasters and Hazards

FINDING: Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards. The identified natural hazards in Madras are flooding and landslide hazards. The subject property is not located within any identified special flood hazard area or landslide hazard area. The alternatives analysis considered lands within the FEMA flood hazards and areas with steep slopes, attempting to avoid expanding into areas with identified hazards. Thus, Goal 7 has been properly addressed.

Goal 8 Recreation Needs

FINDING: Goal 8 requires governmental organizations with responsibility for providing recreational facilities to plan for recreational facilities. The subject property does not include any areas planned for parks per the *Madras Parks Master Plan*. The subject property will not be zoned or otherwise developed with residential uses. Accordingly, the proposal will not significantly change the supply of or demand for new park land. Goal 8 has been properly addressed.

Goal 9 Economy of the State

FINDING: The proposal satisfies Goal 9 because it supports economic development opportunities for both the City, County, and broader Central Oregon region. The Central Oregon Large Lot Industrial Land Needs Analysis, dated November 20, 2012 (the “LLI Needs Analysis”), is the acknowledged regional economic opportunities analysis for Central Oregon. The LLI Needs Analysis includes an analysis of local economic conditions in relation to state and national trends and documents the need for the proposed large lot industrial site. The City adopted policies and land use regulations in support of the economic opportunities provided by large lot industrial development enabled by this proposal. With respect to Central Oregon large lot industrial sites, Goal 9 is further implemented by OAR 660-024-0045, which is addressed below. The proposal satisfied Goal 9.

Goal 10 Housing

FINDING: Goal 10 requires jurisdictions to plan for an adequate supply of land for housing and residential uses to accommodate expected growth. The proposal does not affect the City’s supply of residential lands and the subject property is not included within the City’s acknowledged urban reserves which were established, at least in part, to serve future residential needs. As a result, Goal 10 is satisfied.

Goal 11 Public Facilities and Services

FINDING: Goal 11 calls for appropriate planning and provision for timely, orderly, and efficient provision of public facilities and services.

Deschutes Valley Water District will be able to serve the subject property with an industrial water supply of over 500 gpm and fire flow capacity of over 3,000 gpm. This is based on an extension of a 12" main line from Andrews Drive at a cost of approximately \$1,050,000 (see Appendix B). The applicant understands this will be a site development expense. The City is in the process of updating its Wastewater Master Plan, in which the City will determine how to provide sewer service to the lands around the Madras Airport. If the subject property is brought into the Madras UGB prior to this plan being updated, the design and construction for the necessary connection will be the responsibility of the developer of the site. The connection would be at the north end of the City's sewer treatment plant, which is approximately 2,000 feet from subject property. Documents in the record include will-serve letters from utility providers and an annexation agreement, which will be a condition of approval and further establishes how the subject property will be provided with public facilities and services.

It must be noted that the provision of public facilities and services was considered in the Goal 14 alternatives analysis contained with the ECONorthwest Report, which is hereby adopted and incorporated herein by reference), and in comments from the City's Public Works Director, which documents how the subject property can more readily be served with public facilities than other available and suitable large lot sites, particularly Subarea 8.

For the above reasons, the City finds that Goal 11 has been satisfied.

Goal 12 Transportation

FINDING: Goal 12 encourages the provision of a safe, convenient and economical transportation system and requires adoption of transportation system plans. Both the City and County have acknowledged transportation system plans. Goal 12 is further implemented by the Transportation Planning Rule (OAR 660-012-0060, which is addressed below). Because the proposal, as proposed to be conditioned, does not constitute a substantial impact for purposes of the Transportation Planning Rule as documented in the Kittelson Analysis, the proposal satisfies Goal 12.

Goal 13 Energy

FINDING: Goal 13 requires that land uses be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposal have been considered in the Goal 14 alternatives analysis process related to the UGB amendment proposal as discussed in more detail below and in the ECONorthwest Report. Namely, providing more employment opportunities within the City will reduce energy usage resulting from the substantial number of residents that commute to other communities for employment. Therefore, Goal 13 has been adequately addressed.

Goal 14 Urbanization

FINDING: The proposal provides for an orderly and efficient transition from rural to urban land use, accommodates urban employment within an urban growth boundary, ensures efficient use of the land, and provides for livable communities. The subject property is adjacent to the existing urban growth boundary and can be served by direct extension of public facilities. As discussed in more detail below, the proposed use of land is compatible with adjacent uses. The proposal brings land designated for urban employment within City's urban growth boundary, which provides for livable communities by providing more local employment (thereby allowing for the significant number of Madras residents that commute to other communities to find local employment).

Goal 14 further requires the establishment of urban growth boundaries and establishes requirements for amending urban growth boundaries. For Central Oregon large lot industrial sites, these requirements are modified by OAR 660-0024-0045. OAR 660-0024-0045, addressed in more detail below, allows a participating city within the Crook, Deschutes or Jefferson Counties to use the LLI Needs Analysis as the factual basis for determining regional large lot need and apply to the Central Oregon Intergovernmental Council (COIC) to expand their UGB for one of the need large lot industrial sites identified in the LLI Needs Analysis. Madras and Jefferson County entered into an intergovernmental agreement with COIC (the “Intergovernmental Agreement”) to adopt the LLI Needs Analysis and participate in the regional Large Lot Industrial Program established pursuant to OAR 660-0024-0045, the LLI Needs Analysis, and the Intergovernmental Agreement.

The City concurs with the ECONorthwest Report submitted in support of the proposal, which concludes that the subject property (identified therein as Subarea 9) provides the best opportunity for a Large Lot Industrial site amongst available and suitable alternative sites based on the following:

- The site has the physical characteristics necessary to support the proposed large lot uses, including: the site has between 150 and 200 acres of unconstrained land, it has a slope of 5% or less, it is relatively rectilinear, it is not divided by roads, rails, or irrigation infrastructure, it is located adjacent to the Madras UGB, and is largely vacant.
- The site is owned by Jefferson County (one owner), who is willing to participate in the Large Lot Industrial Program and sell the site for such industrial development.
- The site can be serviced with municipal infrastructure (water, sewer, and roads) and Central Electrical Cooperative can provide electrical service to the site.
- Providing services to any of the alternative sites will be comparatively higher because of need for municipal water and sanitary sewer and wastewater service improvements.

Goal 14 is satisfied.

Goal 15 through 19

Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the proposal and no further analysis is required.

OREGON REVISED STATUTES

ORS 197.175

Cities’ and counties’ planning responsibilities; rules on incorporations; compliance with goals.

(1) Cities and counties shall exercise their planning and zoning responsibilities, including, but not limited to, a city or special district boundary change which shall mean the annexation of unincorporated territory by a city, the incorporation of a new city and the formation or change of organization of or annexation to any special district authorized by ORS 198.705 to 198.955, 199.410 to 199.534 or 451.010 to 451.620, in accordance with ORS chapters 195, 196 and 197 and the goals approved under ORS chapters 195, 196 and 197. The Land Conservation and Development Commission shall adopt rules clarifying how the goals apply to the incorporation of a new city. Notwithstanding the provisions of section 15, chapter 827, Oregon Laws 1983, the rules shall take effect upon adoption by

the commission. The applicability of rules promulgated under this section to the incorporation of cities prior to August 9, 1983, shall be determined under the laws of this state.

(2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:

(a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;

(b) Enact land use regulations to implement their comprehensive plans;

(c) If its comprehensive plan and land use regulations have not been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the goals;

(d) If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations

FINDING: The City of Madras Comprehensive Plan is an acknowledged comprehensive plan that guides land use planning for properties within Madras urban growth boundary as well as the annexation process. The proposed annexation must be compliant with City's comprehensive plan. The proposed annexation is consistent with the comprehensive plan as the proposed annexation is not prohibited by the City's comprehensive plan or any of its implementing regulations. Consistency with Oregon administrative rules, the state land use goals, and specific provisions of the Zoning Ordinance and comprehensive plan are discussed herein.

...

197A.285 Priority of land to be included within urban growth boundaries; rules.

(1) A city outside Metro shall comply with this section when determining which lands to include within the urban growth boundary of the city, including when amending an urban growth boundary under ORS 197A.270(5)(a), 197A.310 or 197A.312.

FINDING: The City of Madras is outside of Metro and the proposal involves an amendment to its urban growth boundary. This statute is applicable.

(2) The Land Conservation and Development Commission shall provide, by rule, that:

(a) When evaluating lands for inclusion within the urban growth boundary, the city shall establish a study area that includes all land that is contiguous to the urban growth boundary and within a distance specified by commission.

(b) The city shall evaluate all land in the study area for inclusion in the urban growth boundary as provided in subsection (4) of this section, except for land excluded from the study area because:

(A) It is impracticable, as provided in subsection (3) of this section, to provide necessary public facilities or services to the land.

(B) The land is subject to significant development hazards, including a risk of land slides, a risk of flooding because the land is within the 100-year floodplain or is subject to inundation during storm surges or tsunamis, and other risks determined by the commission.

(C) The long-term preservation of significant scenic, natural, cultural or recreational resources requires limiting or prohibiting urban development of the land that contains the resources.

(D) The land is owned by the federal government and managed primarily for rural uses.

(E) The land is designated as rural reserve under ORS 197A.230 to 197A.250.

(c) When evaluating the priority of land for inclusion under paragraph (b) of this subsection:

(A) The city shall evaluate the land within the study area that is designated as an urban reserve under ORS 197A.245 in an acknowledged comprehensive plan.

(B) If the amount of land appropriate for selection under subparagraph (A) of this paragraph is not sufficient to satisfy the need for the land, the city shall evaluate the land that is subject to an acknowledged exception under ORS 197.732 or land that is nonresource land and select as much of the land as necessary to satisfy the need for land using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations.

(C) If the amount of land appropriate for selection under subparagraphs (A) and (B) of this paragraph is not sufficient to satisfy the need for land, the city shall evaluate the land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan and select as much of the land as necessary to satisfy the need for land using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations.

(D) If the amount of land appropriate for selection under subparagraphs (A) to (C) of this paragraph is not sufficient to satisfy the amount of land needed, the city shall evaluate land within the study area that is designated for agriculture or forest uses in the acknowledged comprehensive plan that is not predominantly high-value farmland, as defined in ORS 195.300, or does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service, and select as much of that land as necessary to satisfy the need for land:

(i) Using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations; and

(ii) Using the predominant capability classification system or the predominant cubic site class, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic site class lands first.

(E) If the amount of land appropriate for selection under subparagraphs (A) to (D) of this paragraph is not sufficient to satisfy the need for land, the city shall evaluate land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high value farmland and select as much of that land as necessary to satisfy the need for land. A local government may not select land that is predominantly made up of prime or unique farm soils, as defined by the United States Department of Agriculture Natural Resources Conservation Service, unless there is an insufficient amount of other land to satisfy its land need.

FINDING: This statute is not directly applicable as it sets forth parameters for administrative rules to be adopted by LCDC rather the application specific approval criteria. The administrative rules adopted pursuant to this statute are addressed below. Nonetheless, the ECONorthwest Report submitted in support of the proposal complies with the foregoing requirements for the study area and priority analysis. Jefferson County and the City of Madras do not have any rural reserve lands established by ORS 197A.230 to 197A.250. As detailed in the ECONorthwest Report, the City only looked to high value farmland because there is an insufficient amount of land in higher priority categories to satisfy the need and requirements for a Large Lot Industrial site.

(3) For purposes of subsection (2)(b)(A) of this section, the commission shall determine impracticability by rule, considering the likely amount of development that could occur on the lands within the planning period, the likely cost of facilities and services, physical, topographical or other impediments to service provision and whether urban development has occurred on similarly situated lands such that it is likely that the lands will be developed at an urban level during the planning period. When impracticability is primarily a result of existing development patterns, the rules of the commission shall require that the lands be included within the study area, but may allow the development capacity forecast for the lands to be specified at a lower level over the planning period. The rules of the commission must be based on an evaluation of how similarly situated lands have, or have not, developed over time.

(4) For purposes of subsection (2)(b)(C) of this section, the commission by rule shall determine the circumstances in which and the resources to which this exclusion will apply.

(5) Notwithstanding subsection (2)(c)(E) of this section, the rules must allow land that would otherwise be excluded from an urban growth boundary to be included if:

(a) The land contains a small amount of resource land that is not important to the commercial agricultural enterprise in the area and the land must be included to connect a nearby and significantly larger area of land of higher priority for inclusion within the urban growth boundary; or

(b) The land contains a small amount of resource land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the urban growth boundary.

FINDING: Again, these provisions pertain to the requirements for administrative rules to implement this statute. The resulting administrative rules are addressed below.

(6) When the primary purpose for expansion of the urban growth boundary is to accommodate a particular industry use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics and the site characteristics may be found in only a small number of locations, the city may limit the study area to land that has, or could be improved to provide, the required site characteristics. Lands included within an urban growth boundary for a particular industrial use, or a particular public facility, must remain planned and zoned for the intended use:

(a) Except as allowed by rule of the commission that is based on a significant change in circumstance or the passage of time; or

(b) Unless the city removes the land from within the urban growth boundary.

FINDING: The proposal is for the purpose of accommodating particular industrial uses that require specific site characteristics. OAR 660-024-0045(11) further defines “site characteristics”, which are further addressed in the LLI Needs Analysis and ECONorthwest Report. Consistent with this statute, the ECONorthwest Report only examines sites within the study area that exhibit the requisite site characteristics. The land included in the urban growth boundary pursuant to this proposal will be planned and zoned for large lot industrial uses consistent with this statute.

(7) Notwithstanding any other provision of this section, the commission may adopt rules that specify circumstances under which a city may exchange land within the urban growth boundary of the city for land that is outside of the urban growth boundary and that is designed to avoid adverse effects of an exchange on agricultural or forest operations in the surrounding area.

FINDING: Again, this statute pertain to rules to be adopted by DLCD. Nonetheless, no exchange is proposed as part of this proposal.

...

ORS 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.

FINDING: The City is proposing to annex the subject property that is contiguous to the existing city limits. There are no special requirements for annexation set forth in the City Charter.

(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.

FINDING: The property owner has initiated the annexation therefore the City Council has not initiated the Annexation.

(3)(a) Except as provided in paragraph (b) of this subsection, 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.

(b) For purposes of paragraph (a) of this subsection, a proposal for annexation initiated by the legislative body of a city may provide for a duration of not more than 20 full fiscal years.

(c) 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 may the proposal provide for a rate of taxation for city purposes in the annexed territory that exceeds the highest rate of taxation for city purposes applicable to other property in the city for the current year.

(d) If the annexation takes place pursuant to 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 that the proposal authorizes for that fiscal year.

(e) Notwithstanding paragraph (d) of this subsection, during the term of fiscal years provided for pursuant to paragraph (b) of this subsection, the ratio shall be 100 percent for property that is sold or transferred to new ownership, beginning with the first property tax year that begins after the sale or transfer.

FINDING: It is proposed that the Annexation will take immediate effect and that the applicable property tax would also take immediate effect.

(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.

FINDING: The subject property is located entirely in each of the existing taxing districts.

(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.

...

FINDING: This annexation proposal does not need to be submitted to the electors of the City pursuant to ORS 222.120, which is addressed below, and the City Charter does not require such an election.

ORS 222.120

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. 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.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, “owner” or “landowner” means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel’s land mass and

assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

FINDING: The Madras City Charter does not require that annexations be submitted to the electors and the City Council resolved to dispense with submitting the question of the proposed annexation to the voters. A public hearing before the Planning Commission is scheduled for September 18, 2024 and the City Council on October 8, 2024. Notice will be published in the Madras Pioneer and posted in public locations for each public hearing. A legal description demarcating the area to be annexed is included in adopting ordinance (the difference in the 198 acres referenced above and 200 acres referenced in the legal description is certain right-of-way abutting the subject property to be included in the urban growth boundary expansion and annexation). Jefferson County is the owner of the subject property and an authorized agent has sign the application.

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. 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.

FINDING: The property owner has requested the Annexation (consent). The Annexation is being proposed only because of their consent. The Jefferson County Clerk has confirmed that there no registered voters in the territory proposed for Annexation as of July 22, 2024.

OREGON ADMINISTRATIVE RULES

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable,

ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

FINDING: The proposal involved amendments to an acknowledged comprehensive plan and zoning map (i.e. a land use regulation) and is thus subject to the OAR 660-012-0060. The proposal is supported by the Kittelson Analysis, which is hereby adopted and incorporated herein by reference. As documented in the Kittelson Analysis, the proposal does not constitute a significant effect under subsections (1)(a) or (b) because there are no changes to the City or County's functional street classification designations or standards implementing the functional classification system needed as a result of the proposal or otherwise proposed.

The City and County are proposing a trip cap on future development of the lands to that which would generate less than 400 daily trips. With the trip-cap in-place as proposed, the proposal would not result in a significant effect as defined by the TPR and OHP Policy 1F.5.

The Kittelson Analysis further notes that the subject property, as compared to alternative sites, most closely meets the transportation-related site considerations given the intermodal opportunities, existing and planned roadways, planned improvements to serve the industrial area, proximity to US 26, proximity to the Airport, and compatibility with surrounding uses.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: The City and County are coordinating the proposed UGB expansion and ODOT had opportunity to review and comment on the proposal and submitted Kittelson Analysis.

...

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.

FINDING: This annexation is consistent with the City of Madras Comprehensive Plan, which has been acknowledged and controls the proposed annexation. The statewide planning goals are nonetheless addressed below.

...

660-024-0020 Adoption or Amendment of a UGB

(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

(g) Goal 19 is not applicable to a UGB amendment.

FINDING: Except for those statewide land use goals rendered inapplicable by this rule, compliance with the statewide land use goals are addressed above.

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

FINDING: The proposal includes amendments to applicable maps to show the properties included in the proposed UGB expansion. The expansion follows property lines except where it includes certain abutting rights-of-way, which are clearly identified in legal descriptions and corresponding exhibits.

660-024-0045 Regional Large Lot Industrial Land

(1) Local governments in Crook, Deschutes or Jefferson Counties may determine a need for large lot industrial land in the region and provide sites to meet that need in accordance with this rule.

FINDING: Pursuant to this administrative rule, the local governments in Crook, Deschutes, and Jefferson County, including Madras and Jefferson County, adopted the LLI Needs Analysis as the factual basis for establishing needs for large lot industrial lands in the region.

To address the identified need, the COIC Board passed Resolution No. 335 affirming: (i) COIC's role as the "regional coordinating authority to receive candidate site selections submitted by participating cities and to provide a recommendation of suitable sites for inclusion within the Regional Large Lot Industrial Program; and (ii) that the City of Madras submitted a proposal for the subject property as a regional large lot industrial site, (iii) that the proposal for the subject property meets all requirements and standards for the Large Lot Industrial Program; and (iv) that the application for the subject property be endorsed for inclusion as a 100-200-acre parcel for the Central Oregon Regional Large Lot Industrial Program.

...

(3) For purposes of subsection (2)(g) of this rule, a large lot is at least 50 acres if it is:

(a) A single lot, parcel that is at least 50 acres,

(b) An aggregation of existing lots or parcels under the same ownership that comprises at least 50 acres, or

(c) An aggregation of existing lots or parcels not in the same ownership created and maintained as a unit of land comprising at least 50 acres through a binding agreement among the owners.

FINDING: The proposal is for one of the 100-200 acre needed sites identified by the LLI Needs Analysis. The submittals supporting the proposal identified properties that 100 to 200 acre in size through any of the three methods identified above.

(4) Participating local governments may adopt the analysis and implement its provisions. The analysis may demonstrate a need for six vacant, suitable and available sites in the region, and up to three additional sites that may be designated in order to replace one of the original six sites that is developed or committed to development as provided in section (12) of this rule. The original six sites must include two sites of at least 100 acres and not more than 200 acres, and one site more than 200 acres.

FINDING: The City of Madras and Jefferson County are participating local governments, have adopted the LLI Land Needs Analysis (the "analysis" for purposes of this rule), and are parties to the Intergovernmental Agreement between the Central Oregon cities and counties, and Central Oregon Intergovernmental Council for Large Lot Industrial lands program in Central Oregon. The LLI Needs Analysis demonstrates a need for six sites including two sites 100-200 acres in size and one 200 acres in size. The proposal is for the subject property to be one of the two 100-200 acre sites established by the LLI Needs Analysis pursuant to the foregoing provision.

Central Oregon LandWatch (“COLW”) argues that the City must further justify the proposal for a 100-200 acre site as compared to utilizing one of the 50-100 acre sites identified in the LLI Needs Analysis. No authority is cited in support of this position and the City does not construe any applicable law as requiring such analysis. If anything, OAR 660-024-0045 leaves it to COIC and the Intergovernmental Agreement to sort out the allocation of sites, both as to which jurisdictions receive a designated site and as to the size of site designated. As further discussed below COIC reviewed the proposal and deemed it appropriate for City to move forward with designating the subject property under the Large Lot Industrial Program.

(5) If a participating city adopts the analysis, it is deemed to provide an adequate factual basis for the determination of regional large lot industrial land need for that city provided:

(a) The city and other participating local governments have entered into an intergovernmental agreement with the COIC, and

(b) The analysis is adopted by Crook, Deschutes and Jefferson Counties.

FINDING: The City and Crook, Deschutes and Jefferson Counties have all adopted the LLI Needs Analysis. The City of Madras and Jefferson County, amongst other participating local governments, are signatories to the Intergovernmental Agreement with COIC. The LLI Needs Analysis therefore provides an adequate factual basis for regional large lot industrial land need for the City of Madras.

(6) Participating cities may adopt the analysis and enter into the intergovernmental agreement without amending the Economic Opportunities Analysis adopted by the city prior to the adoption of the analysis.

FINDING: The City of Madras adopted the LLI Analysis and signed the Intergovernmental Agreement, which the City of Madras was permitted to do without amending its economic opportunities analysis.

(7) The intergovernmental agreement shall describe the process by which the COIC shall coordinate with participating local governments in:

(a) The determination of a qualifying site that a participating city may designate in order to satisfy the regional large lot industrial land need; and

(b) The allocation of the qualifying sites among the participating cities in accordance with section (4) of this rule.

FINDING: The City of Madras and Jefferson County are participating local governments and parties to the Intergovernmental Agreement, which Intergovernmental Agreement describes the coordination requirements of COIC.

COLW questioned whether it is appropriate for Madras to be allocated two 100-200 acre sites identified in the LLI Needs Analysis and cited language from the LLI Needs Analysis recommending different jurisdictions for large lot industrial sites because Madras was described therein as being able to accommodate a large lot industrial user within its then existing urban growth boundary. The language cited by COLW is nothing more than a recommendation and nothing in either the LLI Needs Analysis or

Intergovernmental Agreement mandates that any particular sized large lot industrial site be located within any particular jurisdiction. A primary role for COIC is to evaluate regional need in considering proposals for individual large lot industrial site designations and, given that COIC is a regional body, COIC can properly evaluate the appropriateness of allocating sites to individual jurisdictions. To the extent Madras was ever able to accommodate a large lot industrial use within its urban growth boundary, the ECONorthwest Report provides a factual basis to determine that there is presently no lands within the existing UGB suitable or available for a large lot industrial site of the scale proposed.

(8) A participating city may amend its comprehensive plan and land use regulations, including urban growth boundaries (UGB), in order to designate a site in accordance with the requirements of this rule, other applicable laws and the intergovernmental agreement, as follows:

(a) A participating city must show whether a suitable and available site is located within its existing UGB. If a participating city determines that a suitable site already exists within the city's urban growth boundary, that site must be designated to meet the regional industrial land need. Cities shall not be required to evaluate lands within their UGB designated to meet local industrial land needs.

(b) If a site is not designated per subsection(a), then a participating city may evaluate land outside the UGB to determine if any suitable sites exist. If candidate sites are found, the city may amend its UGB in accordance with Goal 14, other applicable laws and the intergovernmental agreement.

FINDING: Part 5 of the application to COIC, included a Suitable Lands Inventory that determined that only four tax lots within the existing UGB with zoning for industrial uses are 100 acres or larger. However, these sites were excluded from consideration in the ECONorthwest Report as they are zoned Airport Development, which does not allow the full breadth of industrial uses and is inspired by FAA requirements, and/or otherwise committed to other uses. Opponents questioned whether these tax lots should be excluded from consideration.

The foregoing provision requires that a site within the existing UGB be both suitable and available. "Available" is defined in OAR 660-009-0025(7) as "vacant or developed land likely to be on the market for sale or lease at prices consistent with the local real estate market." The OAR goes on to identify specific "methods" for determining lack of availability, but the OAR makes clear that such methods are not the exclusive methods.

To the extent suitable, the referenced tax lots are not available. As shown in the referenced Suitable Lands Inventory, and as clarified by staff and ECONorthwest, the referenced tax lots are planned for existing for future airport uses (e.g. runways, hangars, and aeronautical uses"), are planned for expansion of the existing wastewater treatment plant, or are developed with the existing Daimler Truck Facilities (who developed and presently occupies the previously approved Large Lot Industrial site) and the Madras Speedway. These lands are not presently on the market and given these planned uses and/or existing developments, these lands are unlikely to be on the market. As the City is the owner of all of these lands, testimony of availability from City staff is a reasonable method of determining lack of availability.

Accordingly, the City may look outside of the existing UGB for potential sites. The ECONorthwest Report identifies a number of candidate sites and applies the requirements of Goal 14 other applicable law, and

the Intergovernmental Agreement to determine that the subject property is the most appropriate location for a 100-200 acre large lot industrial site.

The requirements for a “site” as defined in OAR 660-024-0045(2)(g) and (3) is that it exhibit certain “site characteristics” and be “available”. To the extent Subarea 4 possess requisite site characteristics, it is not available because the owner did not want to participate in the Large Lot Industrial Program (and City finds a lack of willingness to participate in the program or otherwise make land available for industrial development to be a reasonable means of determining availability for purposes of OAR 660-009-0025(7)). An unavailable site cannot meet the need. Subareas 5 and 6 do not exhibit requisite site characteristics because they are excessively sloped even if the threshold were increased to 7%.

(9) A participating city that designates a site shall apply a regional large-lot industrial zone or overlay zone to the site in order to protect and maintain the site for regional large lot purposes. The zone or overlay zone must:

(a) Include development agreements and other provisions that prevent redesignation of the site for other uses for at least 10 years from the time the site is added to the city’s comprehensive plan to meet regional large lot industrial land needs;

(b) Prohibit division or separation of lots or parcels within the site to new lots or parcels less than the minimum size of the site need until the site is developed with a primary traded sector use requiring a large lot; and

(c) Limit allowed uses on the site to the traded sector uses, except as provided in section (10) of this rule.

FINDING: The subject property will be zoned Large Lot Industrial on the City’s Zoning Map and subject to City’s acknowledged large lot zoning regulations found in MMC 18.15.130, which satisfy the foregoing requirements and are not proposed to be amended as part of this proposal.

(10) The zone or overlay zone established under section (9) may allow:

(a) Subordinate industrial uses that rely upon and support the primary traded sector use when a site is occupied by a primary traded sector use; and

(b) Non-industrial uses serving primarily the needs of employees of industrial uses developed on the site provided the zone includes measures that limit the type, size and location of new buildings so as to ensure such non-industrial uses are intended primarily for the needs of such employees;

FINDING: The existing LLI zone regulations have been acknowledged as compliant with the foregoing requirements and are not proposed to be amended as part of this proposal.

(11) If a participating city adds a site to its plan pursuant to this rule, it must consider the site in any subsequent urban growth boundary evaluation conducted to determine local industrial land needs and the adequacy of land available to meet local industrial land needs.

FINDING: The City understands this requirement and considered the previously approved urban growth boundary amendments for a Large Lot Industrial site presently occupied by Daimler Truck North America for purposes of determining need and availability for the present proposal. As noted above, this site is no longer available. In any subsequent UGB evaluation, the subject property will also be considered.

(12) A site may be considered developed or committed to industrial development if a large-lot traded sector user demonstrates a commitment to develop the site by obtaining land use approvals such as site plan review or conditional use permits, and

(a) Obtaining building permits; or

(b) Providing other evidence that demonstrates at least an equivalent commitment to industrial development of the site as is demonstrated by a building permit.

FINDING: The City amended its UGB in 2016 to accommodate a Large Lot Industrial need (199 acres). This site is developed with the Daimler Truck North America's High Desert Proving Grounds which includes over \$30 million in capital improvements to the site comprising of a 20,000 square foot building and a durability and high-speed test tracks. Therefore, the 2016 Large Lot Industrial Site is considered developed. Should the subject property be developed based on the above stated standards for determining a site's development status, the City will use such determination in future EOA updates or any future land use decisions involving the Large Lot Industrial program .

(13) The participating local governments shall review the analysis after the regional supply of six sites has either been replenished by three additional sites or after ten years, whichever comes first.

FINDING: Opponents questioned the validity of the LLI Needs Analysis given that it was originally adopted in 2012, more than 10 years from date of filing of the present proposal. In a letter submitted to the City of Madras and Jefferson County on November 5, 2024, DLCD Community Services Division Manager Gordon Howard stated as follows:

OAR 660-024-0045 does not include a termination date or other time-based limitation on its implementation. The regional EOA conducted by COIC in 2012 evaluated industrial large-lot land demand for a 20-year planning horizon. Department staff advised COIC that long range industrial land demand established in that analysis may still be satisfied through urban growth boundary expansion of participating cities as long as it is in compliance with OAR 660-024-0045.

Regarding the second question on interpretation of the term "review," COIC sought guidance on how the region can comply with OAR 660-024-0045(13) and satisfy future industrial large lot land demand. Staff interpret "review" to require an update to the regional EOA, which is foundational to participating local governments' understanding of changing economic trends and opportunities for industrial development in the region. The requirement to "review the analysis" does not state that the review must be completed for qualifying local governments to continue implementing the original regional EOA or designating additional large lot sites consistent with the rest of the provisions of OAR 660-024-0045. COIC and its member jurisdictions initiated review at the ten-year threshold and are currently in the process of updating the regional EOA.

Business Oregon is engaged in this process and has contributed funding to support this work.

The department is supportive of Madras's current efforts to satisfy long range industrial large lot land demand demonstrated in the 2012 regional EOA. COIC and its member jurisdictions have undertaken review of the analysis per the department's guidance. The city's efforts are in compliance with OAR 660-024-0045, which remains available to local governments in Central Oregon.

DLCD representative Leigh McIlvaine further testified before the City Council that the City can continue to rely on the LLI Land Needs Analysis. The City concurs with the foregoing, nothing in this provision provides for expiration or termination of an existing analysis or otherwise precludes continual reliance on an existing analysis as providing the factual basis for establishing regional need for large lot industrial sites.

...

660-024-0065 Establishment of Study Area to Evaluate Land for Inclusion in the UGB

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a "study area" established pursuant to this rule. To establish the study area, the city must first identify a "preliminary study area" which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city's acknowledged urban reserve, if any;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

FINDING: The need does not arise under OAR 660-024-0050(4) and thus the foregoing is arguably not applicable. City nonetheless analyzes the proposal under the foregoing because 660-024-0045 does not establish a different procedure (and just generically refers to selecting sites outside of an existing urban

growth boundary consistent with Goal 14). The ECONorthwest Report developed a study area consistent with the foregoing.

...

(3) When the primary purpose for expansion of the UGB is to accommodate a particular industrial use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics, and the site characteristics may be found in only a small number of locations, the preliminary study area may be limited to those locations within the distance described in section (1) or (2), whichever is appropriate, that have or could be improved to provide the required site characteristics. For purposes of this section:

(a) The definition of “site characteristics” in OAR 660-009-0005(11) applies for purposes of identifying a particular industrial use.

(b) A “public facility” may include a facility necessary for public sewer, water, storm water, transportation, parks, schools, or fire protection. Site characteristics may include but are not limited to size, topography and proximity.

FINDING: The proposal seeks to accommodate large lot industrial users and particularly large lot industrial users within the high-tech/clean tech-manufacturing, advanced manufacturing and assembly, and data center industry sectors. OAR 660-009-0005(11) allows for a consideration of a number of “attributes of a site necessary for a particular industrial or other employment use to operate” including, but are not limited to, “a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes”. Figure 24 of the LLI Land Needs Analysis sets forth a “Industrial Development Profile Matrix” with specific site characteristics for various industrial uses including a “general site”, “clean tech campus”, “heavy industrial/manufacturing”, “high tech manufacturing”. There is no specific category for data centers. The ECONorthwest Report principally draws its site characteristics from a more current “Industrial Development Competitiveness Matrix” from Business Oregon’s Infrastructure Finance Authority that contains more current industry sectors including a data center. The two matrices are substantially similar, particularly with respect to slopes. Both the LLI Land Needs Analysis and the ECONorthwest Report also place emphasis on rectangular sites, access to transportation facilities, and access to utilities. In accordance with this provision, the ECONorthwest Report further reduces the study area after accounting for slopes, net developable acres, and other site characteristics.

COLW contests the minimum acreages for the targeted industries and the slopes. More specifically, COLW notes that the Industrial Development Competitiveness Matrix within the ECONorthwest Report identifies smaller acreages and steeper slopes for certain targeted industries than the 100 acre and 5% thresholds established in the ECONorthwest Report. The City finds that it was appropriate to utilize the highest acreage and smallest slopes because the selected site should be able to accommodate any of the targeted industries. Accordingly, it would be erroneous to set the thresholds at the most stringent requirements for any particular targeted industry as doing so would preclude uses in other targeted industries. Furthermore, ECONorthwest provided supplemental analysis indicating that increasing the slope thresholds to 7%, as suggested by COLW, would still result in the exclusion of Subareas 5 and 6.

City otherwise concurs with statements submitted by the County in its “Jefferson County Board of Commissioners Staff Report”, which is adopted to the extent not inconsistent with the findings herein.

...

(5) After excluding land from the preliminary study area under section (4), the city must adjust the area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed for the deficiency determined under OAR 660-024-0050(4) or, if applicable, twice the particular land need described in section (3). Such adjustment shall be made by expanding the distance specified under the applicable section (1) or (2) and applying section (4) to the expanded area.

FINDING: OAR 660-024-0065(5) provides that the final study area must provide at least twice as much land as is required to meet the need. As the ECONorthwest Report included 8 potential sites in the final study area, each meeting the minimum amount of developable acreage for a large lot industrial site, the final study area includes more than twice the amount of land necessary to meet the need.

OAR 660-0024-0067 Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

(1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows

(a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

(b) If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied, except as provided in OAR 660-024-0065(9).

(c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.

(d) In evaluating the sufficiency of land to satisfy a need under this section, the city may use the factors identified in sections (5) and (6) of this rule to reduce the forecast development capacity of the land to meet the need.

(e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-024-0050 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

FINDING: The ECONorthwest Report conducts the requisite priority analysis. The analysis reveals that a selection must be made as between “fourth priority” lands and that the subject property is the best site as between fourth priority lands.

(2) Priority of Land for inclusion in a UGB:

(a) First Priority is urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.

(b) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

(c) Third Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan and that is not predominantly high-value farmland as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

(d) Fourth Priority is agricultural land that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

FINDING: FINDING: Exhibits 12 and 13 of the ECONorthwest Report shows that there are no first priority, second priority, or third priority sites that meet the need. The remaining sites are all fourth priority for purposes of this rule (predominantly high-value farm land) and all exhibit substantially the same soil classification.

(3) Notwithstanding section (2)(c) or (d) of this rule, land that would otherwise be excluded from a UGB may be included if:

(a) The land contains a small amount of third or fourth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or

(b) The land contains a small amount of third or fourth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

FINDING: This provision does not change the results of the analysis.

(4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule,

(a) Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;

(b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;

FINDING: The analysis has to be consistent with the OAR 660-024-0045(3).

(c) Notwithstanding subsection (4)(a), if a city initiated the evaluation or amendment of its UGB prior to January 1, 2016, and if the analysis involves more than one lot or parcel or area within a particular priority category for which circumstances are reasonably similar, these lots, parcels and areas may be considered and evaluated as a single group;

FINDING: This UGB amendment is being proposed after January 1, 2016.

(d) When determining whether the land is predominantly high-value farmland, or predominantly prime or unique, “predominantly” means more than 50 percent.

FINDING: The ECONorthwest Report includes such threshold determination.

(5) With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is “suitable” to satisfy a need deficiency identified in OAR 660-024-0050(4) unless it demonstrates that the land cannot satisfy the specified need based on one or more of the conditions described in subsections (a) through (g) of this section: Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified employment need; as follows:

(A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or

(B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.”

(b) The land would qualify for exclusion from the preliminary study area under the factors in OAR 660-024-0065(4) but the city declined to exclude it pending more detailed analysis.

(c) The land is, or will be upon inclusion in the UGB, subject to natural resources protections under Statewide Planning Goal 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.

(d) With respect to needed industrial uses only, the land is over 10 percent slope, or is an existing lot or parcel that is smaller than 5 acres in size, or both. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals.

(e) With respect to a particular industrial use or particular public facility use described in OAR 660-024-0065(3), the land does not have, and cannot be improved to provide, one or more of the required specific site characteristics.

(f) The land is subject to a conservation easement described in ORS 271.715 that prohibits urban development.

(g) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:

(A) Public park, church, school, or cemetery, or

(B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan.

FINDING: The need addressed by the proposed UGB amendment does not fall under OAR 660-024-0050(4) and thus this provision is not applicable. Rather, the need arises pursuant to the LLI Land Needs Analysis adopted pursuant to OAR 660-024-0045. In the alternative, the more specific provisions of OAR 660-024-0045 and/or acknowledge LLI Lands Needs Analysis must control. Specifically, the site must not only be suitable, but must be “available” and must possess requisite “site characteristics” (e.g. the 5% slopes identified for the targeted sectors). In any event, slope was not the exclusive site characteristic as the analysis also looked at other characteristics including availability, minimum developable acreage, bisecting roadways and railways, and site configuration. None of the available lands in the higher priority lands exhibit the requisite site characteristics as identified in the ECONorthwest Report and discussed above. It would be impractical to grade hundreds of acres to achieve the necessary slopes identified in the site characteristics or to relocate roadways and railway. At the very least, it would be counterintuitive to the objectives of the Large Lot Industrial program of providing attractive sites for large scale industrial development.

...

(7) Pursuant to subsection (1)(c), if the amount of suitable land in a particular priority category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which

land in that priority to include in the UGB by first applying the boundary location factors of Goal 14 and then applying applicable criteria in the acknowledged comprehensive plan and land use regulations acknowledged prior to initiation of the UGB evaluation or amendment. The city may not apply local comprehensive plan criteria that contradict the requirements of the boundary location factors of Goal 14. The boundary location factors are not independent criteria; when the factors are applied to compare alternative boundary locations and to determine the UGB location the city must show that it considered and balanced all the factors. The criteria in this section may not be used to select lands designated for agriculture or forest use that have higher land capability or cubic foot site class, as applicable, ahead of lands that have lower capability or cubic foot site class.

FINDING: The ECONorthwest Report includes an analysis of the Goal 14 locational factors in pages 36-53, which is conducted in a manner consistent with this provision.

(8) The city must apply the boundary location factors of Goal 14 in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. "Coordination" includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

FINDING: The City has provided notice of the land use proposal to ODOT Region 4. The applicant and the City reviewed the proposal with ODOT Region 4 staff. ODOT staff did not have any comments on the proposal but for compliance with the TPR (OAR 660-012-0060) and concurrence with the a trip cap on the subject property.

(9) In applying Goal 14 Boundary Location Factor 2 to evaluate alternative locations under section (7), the city must compare relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. For purposes of this section, the term "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities. The evaluation and comparison under Boundary Location Factor 2 must consider:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

FINDING: Pages 42 through 47 of the ECONorthwest Report includes findings of compliance with the Factor 2 requirements of the Goal 14 analysis. Specifically, the subject property will be, overall, less costly to serve. Sanitary services are rated low and the only subarea with that rating. Roads have a moderate cost, similar to the majority of other subareas. Municipal water services are rated as high, consistent with all but three of the other subareas.

(10) The adopted findings for UGB amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis.

FINDING: The ECONorthwest Report includes several maps that describe the proposed change to the Madras UGB (Exhibit 1), the proposed Large Lot Industrial Site (Exhibit 2), areas under consideration for inclusion in the Preliminary Study Area (Exhibit 6), Preliminary Study Area (Exhibit 7), Land Priority in the Preliminary Study Area (Exhibit 8), Land Priority in the Preliminary Study Area with Slope Constraints (Exhibit 9), Potential Large Lot Industrial Sites (Exhibit 11), Large Lot Industrial Sites for Evaluation (Exhibit 12), Soil Classification for Final Subareas (Exhibit 13), Subarea 1 (Exhibit 14), Subarea 2 (Exhibit 15), Subarea 7 (Exhibit 16), Subarea 8 (Exhibit 17), Subareas 9 and 10 (Exhibit 18), Subarea 13 (Exhibit 19), and Subarea 15 (Exhibit 20).

CITY OF MADRAS COMPREHENSIVE PLAN GOALS & POLICIES:

GOAL 1 - To develop a Citizen Involvement program that insures the opportunity for all citizens to be involved in all phases of the planning process.

POLICY - The City shall insure an adequate citizen involvement in all phases of the planning process. To that end, the citizen involvement program is spelled out on Pages 14 and 15 of this plan.

FINDING: The public was provided the opportunity to be involved in the decision-making process regarding the proposal through notice and public hearings conducted in-person and by video conference before the Madras Planning Commission, Madras City Council, Jefferson County Planning Commission, and Jefferson County Board of County Commissioners. Public testimony was taken at each hearing. The City of Madras notified nearby property owners, published public hearing notices and contact information in the newspaper, and facilitated public participation during public hearings. The table below shows the public notices.

Table 1. Notices Issued for Annexation.

Notice Type	Date Issued or Published	Notes
Post Acknowledgement Plan Amendment (PAPA) to DLCD	8/1/24	
Adjacent Property Owner Notice (250 ft.)	8/14/24	Mailed by City contractor
Development Team/Agencies Notice	8/14/24	Emailed by City staff
Madras Pioneer Newspaper Public Hearing Notice	See notes	Published on August 21 st and 28 th and on September 4 th , 2024

The Madras Planning Commission continued the September 18, 2024 public hearing to October 9, 2024 at 6:30 PM at City Hall. The Planning Commission closed the record and continued the October 9, 2024 public hearing to October 23, 2024 at 6:30 PM at City Hall. The City Council opened the scheduled October 22, 2024 public hearing and continued the hearing to November 12, 2024 at 5:30 PM in the Council Chambers.

GOAL 2 - To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of the land and to insure an adequate factual base for such decisions and actions.

POLICIES -

- A. The City and County shall insure that the Comprehensive Plan serves as a basis for future land use decision.
- B. The City and County shall be responsive to the changes in needs and conditions over time and amend the plan accordingly. The amendment process is discussed in the Land Use element.
- C. The land use plan map and zoning maps for properties within in the Madras Urban Growth Boundary are the same. The City and County will work to adopt common zones for land in the UGB to provide certainty for property owners regarding the intended future urban use for all lands in the boundary.
- D. The City and County shall adopt procedures that enable land with common city and county zoning to be annexed to the city using a streamlined rezone application process so long as the common zoning remains in effect.

FINDING: The findings herein establish the factual basis for the proposed UGB amendment, Zone Change, and Annexation. The proposal is being evaluated for consistency with the City's Comprehensive Plan.

GOAL 3 - To preserve and maintain agricultural lands.

POLICIES -

- A. To establish an Urban Growth Boundary to separate rural lands from urbanizable lands.
- B. Encourage establishment of exclusive farm use zoning outside the established Urban Growth Boundary.

FINDING: The City has established an urban growth boundary, which is proposed to be amended by this proposal. City continues to encourage EFU zoning outside of the urban growth boundary.

GOAL 4 - To conserve forest lands for forest uses. Due to the absence of any forest lands within the planning area, the City finds this Statewide Planning Goal inappropriate for the City.

FINDING: There are no forest lands land in or adjacent to the Madras UGB.

GOAL 5 - To conserve open space and protect natural resources.

POLICIES - The City shall:

- A. Preserve the scenic vistas afforded by the Cascade Mountain Range.

- B. The City will limit conflicting uses of identified historic structures and establish Development Code procedures to review applications for proposed changes.
- C. Continue to support and cooperate with the Jefferson County Museum Association.
- D. The City shall appoint the Jefferson County Museum Association as an advisory body to review historic sites, including any that should be identified at a later date.
 - 1) If a potential historic structure is proposed to be demolished, the City may, on recommendation from the Museum Association, hold in abeyance the demolition permit for up to sixty (60) days to allow the Museum Association to seek funds to preserve the potential historic structure or recommend other ways of preserving the structure.
- E. Locatable structures and definable sites should be listed in the Comprehensive Plan and shown on a map in the Jefferson County Museum. These sites and buildings should be protected by plan policies and ordinance provisions. They should, over time, become identified at the site to increase their historic value to the public.
- F. A special effort will be undertaken by the society and the City Planning Department to locate and document all historic cemeteries and family burial plots in the county. These sites are of particular interest to relatives of early settlers.
- G. Locations which cannot be well defined, or for which no visible remains exist, shall be marked on a map in the museum, along with an explanation of the events or structures which were on the location.

FINDING: There are no inventoried significant Goal 5 resources on the subject property. City protects scenic vistas through height restrictions in its development code, which will apply to any development of the subject property.

GOAL 6 - To maintain and improve the quality of the air, water, and land resources of the City.

POLICIES -

- A. All new construction within the City shall be connected to the City's municipal sewer system.
- B. The City shall strive to maintain state and federal standards for water quality.
- C. That the City shall require all development to comply with all applicable state and federal environmental rules, regulations, and standards.

FINDING: Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. Any development of the subject property will be required to connect to City sewer. Furthermore, any development must comply with applicable City, State, and Federal regulations related to stormwater, emissions, and noise, which are designed to protect air, water, and land resources.

GOAL 7 - To protect life and property from natural disasters and hazards.

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Multi-Hazard

Goal 1. Reduce existing natural hazard risks within Madras through proactive mitigation and land use strategies.

Policy 1.1. The City shall establish a program dedicated to local mitigation projects.

Implementation 1.1.1. Use local funds as leverage to match state and federal grant programs in order to identify and complete between one and three significant mitigation projects every three years. Projects identified in the Madras Addendum of the Natural Hazards Mitigation Plan shall have priority.

Policy 1.2. The City shall evaluate the need for zoning overlays to regulate land use in hazard-prone areas.

FINDING: Based on the City's natural hazards inventory in the City's Comprehensive Plan, the subject property is not located in a hazard prone area for which can be mitigated by zoning the subject property an alternative zoning designation from Large Lot Industrial.

Goal 2. Increase awareness about natural hazards in Madras, including actions the public can take to protect life and property from these hazards.

Policy 2.1. The City shall develop an outreach and education program to make information on the risk of hazards and hazard mitigation more accessible to the public.

Implementation 2.1.1. Disseminate hazard mitigation information on a seasonal basis, through a variety of sources and locations, and in languages other than English, as needed.

Policy 2.2. The City shall develop a warning system to notify citizens of impending hazards and recommended safety precautions.

FINDING: Jefferson County has implemented an automated resident notification system for natural hazards events. Any residents, property owners, employees or otherwise will receive such notification when appropriate by the County.

Goal 3. Ensure City decisions related to natural hazards are based on the most current hazard information available in order to make informed decisions.

Policy 3.1. The Community Development Department shall request an allocation of funds on an annual basis, as needed, to support the development or purchase of current hazard data.

Implementation 3.1.1. Coordinate and prioritize hazard inventories, policies, land use regulations, and maps in conjunction with the City's Addendum to the Jefferson County Natural Hazards Mitigation Plan to reflect new information, new laws and goal requirements, and changing circumstances in the community.

FINDING: When more accurate data is available, the City acquires such data and use it when considering Goal 7 policies and implementation.

Goal 4. Strategically position the City of Madras to support and potentially benefit from the State of Oregon's needs related to a regional, catastrophic natural disaster (e.g. Cascadia subduction zone earthquake and tsunami).

Policy 4.1. The City shall proactively establish a plan to support state needs in the case of a catastrophic natural disaster in Oregon, in coordination with the Oregon Resilience Plan.

Implementation 4.1.1. Prepare Madras Municipal Airport to be a staging ground for regional disaster response.

Policy 4.2. The City shall pursue opportunities that will enable Madras to provide essential services in the event of a natural disaster in the region or state.

FINDING: The City recognizes that the Madras Airport is a site that is critical to preparing for a Cascadian Subduction zone event. The proposal will not alter the ability for the City to utilize the Madras Airport during such events and certainly leverage the Airport for improvements to allow the City to be more resilient to hazard events. The proposal will not alter, compromise, or otherwise, the City's ability to utilize the Airport to improve its resiliency during hazard events.

Flood

Goal 1. Direct new development to areas that are outside the Special Flood Hazard Area (SFHA) and ensure that any new development permitted in the SFHA is flood-ready.

Policy 1.1. The City shall establish a greater than minimum base flood elevation (BFE) code for manufactured homes, residential development, and non-residential development.

Policy 1.2. The City shall prioritize the development of new public facilities outside of the SFHA.

Policy 1.3. The City shall consider creating incentives to remove existing development from the SFHA.

Policy 1.4. The City shall develop a plan to relocate public buildings currently in the floodway to land outside of the SFHA.

Implementation 1.4.1. The City and County building departments will work together to relocate the Public Works Building, County Community Development Department, County Annex, County Courthouse, County Library, Madras Elementary School, and Madras High School from the SFHA, as identified in the action items in the Madras Addendum of the Jefferson County Natural Hazards Mitigation Plan.

Goal 2. Participate in FEMA's Community Rating System (CRS) and achieve Class 6 or better by 2024 in order to reduce damage from flooding and lower flood insurance rates.

Policy 2.1. The City shall participate in the CRS program.

Implementation 2.1.1. The CRS coordinator will apply for initial acceptance into the CRS by 2016, identify current flood mitigation initiatives, and monitor the completion of all future projects.

Policy 2.2. The City shall reduce flood damage to existing development through coordinated citywide management of information and infrastructure.

Policy 2.3. The City shall provide information and relevant links on the City website regarding the importance of purchasing flood insurance to protect property.

Goal 3. Retrofit existing buildings in the SFHA in order to promote economic development.

Policy 3.1. The City shall incentivize retrofits to buildings located in the SFHA through urban renewal, tax breaks or other measures to encourage flood-ready development.

Implementation 3.1.1. Develop a program to locate and elevate critical technology and equipment, including but not limited to HVAC and computer servers, to an increased base flood elevation level.

Policy 3.2. The City shall prioritize retrofits or relocation of existing critical facilities.

Implementation 3.2.1. Compile a list and rank retrofit projects in order of importance, and prioritize action items from the Madras Addendum of the Jefferson County Natural Hazards Mitigation Plan.

FINDING: The subject property does not have a Special Flood Hazard Area mapped on it. Therefore the proposal will not affect the City's flood hazards goals.

Winter Storm

Goal 1. Minimize road hazards and provide shelter during severe winter storms in order to preserve life and property.

Policy 1.1. The City shall identify and prioritize the undergrounding of critical overhead utility lines throughout the city to protect them against ice formation.

Policy 1.2. The City shall educate residents about access to shelters during severe winter weather events.

Implementation 1.2.1. Advertise, promote and educate the community regarding emergency shelter provisions contained in *ORDINANCE NO. 837: Cold Weather Emergency* and *ORDINANCE NO. 831: Emergency Shelters*.

FINDING: The proposal has no impact on the City's cold weather shelter program. The City's Development Code (MMC 18.20.050(1)(a) requires, "*All permanent utility services, both existing and any new proposed utilities infrastructure, must be provided from underground facilities and no overhead utility service shall be permitted; with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground...*"

Policy 1.3. The City shall establish priority routes in coordination with the *Snow Removal Resolution* for the use of emergency services during winter storms.

Policy 1.4. The City shall monitor the quality of equipment and supplies for the removal of snow and ice annually.

FINDING: The City's Public Works Department requests the City Council to pass a Resolution, annually if there any changes, establishing snow plowing routes. The City Council allocates resources to the Public Works Department annually for Repairs and Maintenance and Capital expenses that includes snow removal equipment. The City will continue to establish priority routes and monitor resources annually.

Goal 2. Reduce the likelihood of flood hazards caused by winter storms.

Policy 2.1. The City shall not increase the likelihood of flooding as a result of snow clearing, removal and stockpiling.

Implementation 2.1.1. Update *Snow Removal Resolution* to include appropriate snow removal strategies and acceptable placement of snow banks, such as prohibiting the placement of snow banks along streams and creeks, particularly in locations upstream of the city.

FINDING: The proposal does not affect the City's snow removal policies and practices.

Windstorm

Goal 1. Minimize the impacts of power outages and road hazards caused by windstorms in order to preserve life and property.

Policy 1.1. The City shall identify and prioritize the undergrounding of critical overhead utility lines throughout the city to protect them against strong winds.

Policy 1.2. The City shall implement a tree-trimming program that clears tree limbs hanging over high traffic streets and sidewalks.

Implementation 1.2.1. Update *ORDINANCE NO. 556: Right of Way* to set timeframes for biannual tree trimming program.

FINDING: MMC 18.20.050(1)(a) requires, *“All permanent utility services, both existing and any new proposed utilities infrastructure, must be provided from underground facilities and no overhead utility service shall be permitted; with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground...”* The Public Works Department also maintains a list of approved street trees. The subject property, once brought into the UGB, Annexed, and Zoned, will be subject to Chapter 18 in the Municipal Code that requires street trees to be planted that are identified on the approved street tree list.

Earthquake

Goal 1. Minimize the risk of damage to structures, utilities and critical facilities and infrastructure in the event of an earthquake in order to preserve life and property.

Policy 1.1. The City shall educate residents on the State Building Code and voluntary measures that exceed the Building Code requirements to protect their properties.

Implementation 1.1.1. Provide educational materials or classes regarding earthquake safety and engineering solutions.

Policy 1.2. The City shall use education and serve as an example to promote voluntary construction techniques that exceed State Building Code requirements.

FINDING: The City has not completed Implementation measure 1.1.1 however, the proposed zone change does not preclude the City from doing so.

Volcanic Event

Goal 1. Limit the impacts of ash fall from a volcanic event on city operations and facilities.

Policy 1.1. The City shall protect city-owned equipment, infrastructure and facilities from volcanic ash.

Implementation 1.1.1. Inform City departments of potential impacts to city equipment, infrastructure and facilities from volcanic ash.

FINDING: The City stores all critical equipment in storage buildings to accomplish Implementation measure 1.1.1.

Goal 2. Educate the public about volcanic hazards and community evacuation plans in the event of volcanic activity.

Policy 2.1. The City shall assist the Jefferson County School District to provide volcanic hazard education in public schools.

Policy 2.2. The City shall provide classes or educational material for the public on minimizing the impact of ash fall to their homes, vehicles and on their health.

FINDING: The City has not completed identified educational efforts however, the proposed zone change does not preclude the City from doing so.

Drought

Goal 1. Limit Madras' impact on local and regional potable water supplies.

Policy 1.1. The City shall promote the use of water conservation strategies for all new construction.

Implementation 1.1.1. Develop and promote best management practices for xeriscape landscaping for residential and commercial development, and the installation of rainwater collection and distribution systems.

FINDING: MMC 18.25.170 encourages drought tolerant landscaping practices along with co-locating stormwater and landscaping.

Policy 1.2. The City shall assess the impact of drought on emergency response times and minimize its impact on emergency fire response.

Implementation 1.2.1. Develop communication between Public Works and emergency response units to ensure that fire suppression infrastructure will work correctly in times of drought.

Policy 1.3. The City shall determine how new demands on the water system from population growth may impact occurrences of drought in Jefferson County and create an action plan mitigating the impacts, as needed.

FINDING: The City coordinates with the Jefferson County Fire and EMS District to ensure apparatus are functional and staged for anticipated drought conditions. The State Plumbing Code has specific requirements for wastewater and domestic water systems to ensure that they are not cross-contaminated.

Wildfire

Goal 1. Minimize the risk of natural and human-made wildfires on life and property in Madras.

Policy 1.1. The City shall continue to ensure emergency access to identified wildfire hazard areas.

Implementation 1.1.1. Identify and map wildfire hazard areas at the city level.

Policy 1.2. The City shall implement a community education program (such as Firewise) regarding fire dangers for identified risk areas.

Policy 1.3. The City shall continue to create environmentally appropriate density and defensible space requirements for structures located in wildfire hazard areas.

Policy 1.4. The City shall work cooperatively with the Jefferson County Fire District #1 to develop incentives for reducing fuels around development.

Implementation 1.4.1. Establish free brush and yard debris disposal days.

FINDING: The City in conjunction with Jefferson County and the Jefferson County Fire and EMS District, holds annual free yard debris disposal events on Earth Day.

Landslide

Goal 1. Minimize impacts of a regional landslide on transportation routes and development in order to maintain economic activity throughout the region.

Policy 1.1. The City shall support the Department of Geology and Mineral Industries' efforts to identify areas of high landslide risk and vulnerability.

Policy 1.2. The City shall identify alternative transportation routes for major access ways that are susceptible to landslide in the city and the immediate surrounding area, and take measures to inform the public of alternative routes.

Policy 1.3. The City shall require geotechnical reports for new development located in high-risk landslide areas where excavation may be required to develop the site.

Policy 1.4 The City shall require site review for development on slopes in excess of 10 percent.

Implementation 1.3.1 Identify specific criteria for site review such as natural contours, drainage patterns, and vegetative features of the site.

FINDING: The City has not identified and passed such Development Code amendments however, the proposal will not occur on slopes in excess of 10 percent and would thus not be impacted by any such amendments.

GOAL 8 - To satisfy the recreational needs of the citizens of the City and its visitors.

POLICIES - The City shall:

A. Seek opportunities to develop the following recreational opportunities.

- 1) Tennis Courts
- 2) Handball and Racquet Courts
- 3) Swimming Pool
- 4) Bike Paths
- 5) Publicly Owned 18-Hole Golf Course
- 6) Hiking trails, public parks, play areas, and passive natural open spaces.

B. Improve and maintain a bike/hiking path along Willow Creek.

C. Develop new neighborhood playground parks as the need occurs.

FINDING: The subject property is not planned for parks or recreational facilities and will not otherwise affect the existing stock of parks and recreational facilities.

Goal 9 - Economic Development

Vision Statement

Madras, Oregon is a healthy community with a diverse economy that focuses on traded-sector (export) industries. The City strives to promote "family-wage" job growth and provide opportunities for economic development in a business-friendly environment. Madras supports the growth and expansion of existing businesses, especially businesses that provide jobs in core economic sectors, which include agricultural products and support services, manufacturing, aviation/aeronautics, trucking services and testing, and wood product manufacturing. Madras supports investment in community and higher education and training to ensure we have the skilled labor force needed to support our economy.

Goals

1. Madras seeks opportunity for economic expansion in many economic sectors including new businesses that expand Madras Traded Sector economy, and that make use of existing economic development assets. Examples include but are not limited to:

- Agricultural and Mining Industries (National)
- Aviation and Aerospace Development Services (National)
- Health Care and Community Services (Regional)
- Manufacturing – material handling, wood products, high tech (Regional/National/International)
- Tourism and Recreational Services (Regional)
- Transportation testing (National/International)
- Warehousing and Distribution Facilities (Regional)

2. Madras will take steps to facilitate economic growth and development by:

- a. Investing in basic transportation infrastructure that supports economic development, including roads, rail access, and aviation facilities.
- b. Ensuring the availability of public water and sanitary sewer service to land designated for employment uses.
- c. Supporting community investment in essential “high-speed” communication and information exchange infrastructure that supports education, commerce, and institutional land uses.
- d. Maintaining enough developable land to support economic development, including at the Madras Airport for air-side support services and business aviation.
- e. Pursuing the designation of a regional large-lot industrial site.
- f. Enacting programs that take advantage of the State of Oregon Enterprise Zone and other tax-incentive programs for new and existing businesses.

3. Madras is committed to balancing economic development goals with long-term preservation of the environment, including the area’s surface and ground water resources, air quality, and high-value farmland, which sustain the local economy.

Policies

Madras will work to achieve these economic development goals using the following policies, which are numbered for reference purposes. All policies have equal standing and need to be balanced when applied to land-use planning decisions.

1. Provide an adequate supply of employment land in a variety of site sizes and locations, to meet employment growth forecasts.
2. Provide capacity and maintain the public infrastructure necessary to support local businesses and their employees, including roads, aviation and rail facilities, drinking water supply, and sanitary sewers.
3. Actively support investment in essential high-speed communications infrastructure to support the emerging information-economy, and seek ways to reduce communication tariffs on existing businesses and incubator sites.
4. Take steps to encourage investment downtown by adopting incentive programs that encourage redevelopment of property within the Willow Creek floodplain.
5. Encourage redevelopment of vacant and underutilized downtown commercial properties through fiscal policy, zoning regulations, and streamlined permitting.
6. Support businesses expansion and recruitment through local and regional economic development incentive programs.
7. Actively participate in regional economic development and recruitment efforts through Economic Development Central Oregon (EDCO).
8. Support planning and development of intermodal rail access through a rail siding and/or intermodal reload facility accessible to all employers in Jefferson County.
9. Promote economic development at the airport consistent with the Airport Master Plan.
10. Support workforce development and re-education efforts by the Jefferson County School District and the Madras campus of the Central Oregon Community College (COCC).

FINDING: The foregoing are aspirational and/or obligations of the City rather than mandatory approval criteria for the proposal. However, the proposal advances several of the aspirational economic development goals including providing for traded sector employment opportunities, participating in regional economic development efforts, and providing land for economic development opportunities. The City is striking a balance in reaching a decision on the proposal.

Implementation Measures

Madras will take steps to achieve these economic development objectives using the following program and regulatory measures:

- a. Facilitate formation of an Ad Hoc economic development committee to identify and remove barriers to economic development in Madras and Jefferson County.

FINDING: The City of Madras and Jefferson County will form such an economic development committee after hiring an Economic Development Manager in 2024. This

- b. Work with EDCO and local property owners to identify and designate a Regional Large-lot Industrial Development Site in or near Madras.

FINDING: The City has coordinated with EDCO to identify candidate sites for the Regional Large Lot Industrial program. The proposal is to designate a regional large lot industrial site within Madras.

- c. Lead a rail access economic feasibility study that examines ways to improve inter-modal freight accessibility in Madras and Jefferson County, including facilities that support basalt mining and other commodity exports.

FINDING: The City has not completed this study. However, it relies upon the State Rail Study (2010) for the needs of rail users. The City has established the Industrial Site Readiness Plan (2017) that identifies how a rail siding may be located adjacent to the City's existing rail facilities. The subject property is not located on land identified for a potential rail siding and therefore the proposal does not preclude implementation of such rail siding.

- d. Make public improvements in downtown and commercial corridors that reduce flood hazards and enhance development opportunities using urban renewal, ODOT highway enhancement, and local improvement financing tools.

FINDING: The subject property is not located downtown or in a commercial corridor.

- e. Pursue Oregon Enterprise Zone designations and other tax incentive programs for industrial development sites.

FINDING: The subject property would enjoy the benefits of the State's Enterprise Zone tax incentives once in the Madras UGB, Annexed, and Zoned Large Lot Industrial, and the authorizing jurisdictions approve an amendment to the Jefferson County Enterprise Zone boundary to include the subject property.

- f. Review the city's development application fees and look for ways to streamline development review with a "fast track" approval process for targeted reinvestment areas, including downtown Madras.

FINDING: The City Council has passed several Development Code amendments since 2015 that allow the City to quickly process land use applications for development, including those for industrial development.

- g. Investigate regulatory and policy approaches to preserve the irrigated agricultural land base in the county that may be impacted by urban development.

FINDING: This policy only requires investigation and not preclude impacts to irrigated agriculture. The Community Development Department continues to coordinate with the North Unit Irrigation District to ensure land in the Madras city limits appropriately retains or relinquishes irrigation rights and otherwise supports continued agricultural uses within the basin.

- h. Work with Jefferson County and local property owners to expand the inventory of small to medium sized development parcels suitable for employment use.

FINDING: The proposal concerns large lot uses but supports this policy because aggregating small parcels to establish the large site would be inconsistent with the foregoing policy.

- i. Review noise regulations and zoning in the vicinity of the Madras Airport to reduce future conflicts between uses.

FINDING: The City continually reviews FAA regulations and requirements to ensure the Madras Airport is compliant. At this time, the City is compliant with FAA requirements for notifying property owners near the Madras Airport of aircraft noise.

- j. Review and update the Madras Enterprise Zone every other year to ensure consistency with state law.

FINDING: The City is not responsible for administering the Enterprise Zone, rather that falls to Jefferson County. However, when program requirements change, the City works with Jefferson County to amend the program.

GOAL 10 - To provide for the housing needs of the citizens of the City.

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FINDING: The proposal does not impact the supply of residential lands.

GOAL 11 - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

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- B. Provide urban services as required to the urbanizing areas of the City.

FINDING: The City will ensure urban services will be provided to the subject property through an Annexation Agreement between the property owner and the City of Madras that, in general, identifies that all required public facilities will be provided by the developer of the subject property.

- C. Ensure the provision of urban services--streets, water and sewer--as new developments occurs.

FINDING: The City will ensure urban services will be provided to the subject property through an Annexation Agreement between the property owner and the City of Madras that, in general, identifies that all required public facilities will be provide by the developer of the subject property.

- D. The City shall continue coordinating the existing agreement between the City and Deschutes Valley Water District.

FINDING: The City continues to maintain a bulk water purchase agreement with DVWD.

- E. The City shall coordinate with ODOT in implementing its improvement program.

FINDING: ODOT was consulted for the review of the proposal. The City will ensure urban services will be provided to the subject property through an Annexation Agreement between the property owner and the City of Madras that, in general, identifies that all required public facilities will be provide by the developer of the subject property, including improvements to ODOT facilities.

- F. The City shall continue to dispose wastewater treatment effluent at the Desert Peaks Golf Course. The City has secured additional publicly owned property for the land application of this treated effluent on the east side of Madras. This land is adjacent to both the enlarged treatment and storage ponds which are either recently constructed or under construction at this time. The most efficient methodology for this form of effluent treatment is application on a golf course, which has a high evaporation rate. Therefore, the City encourages the development of the publicly owned land on the east side of Madras as a golf course that is suitable for irrigation with treated wastewater effluent.

FINDING: The City continues to own and operate a golf course. This includes using effluent to irrigate its golf course.

- G. The City, with input from the DEQ, shall investigate the feasibility of an indirect discharge to Willow Creek at the SWWTP through constructed wetlands.

FINDING: The City is currently in the process of updating its Wastewater Master Plan and will include beneficial use alternative methods and recommendations.

- H. The City shall investigate partnering opportunities and the economic feasibility to install an array of PV panels at either or both WWTP sites as a means for lowering power costs.

FINDING: The City is in process of installing such photovoltaic cells on the holding pond at the SWWTP.

GOAL 12 - To provide and encourage a safe, convenient, and economical transportation system.

POLICIES - The City shall maintain and improve the City's street network policies. The City shall undertake to resolve the following problems as noted in the inventories section of the Comprehensive Plan. These include:

- A. Construction of a bridge over Willow Creek to connect 10th Street. This will provide better access to and from a growing residential area to the North of the City.
- B. The intersection of northbound U.S. 97 and Adams Drive needs to be improved. The present "Y" situation creates a serious traffic hazard and can be easily corrected by turning Adams Drive sharply to form a 90 degree intersection.

- C. Buff Street needs to be extended to Grizzly Road to provide better East-West circulation.
- D. Although the following needs are out of the City's jurisdiction, the City urges and fully supports:
 - 1) The placement of additional directional signs in the northbound lanes of 5th Street to announce the junction of Highways U.S. 26 and 97.
 - 2) The short "U" turn at the South end of the one-way couplet is too short and creates a traffic hazard. The construction of a traffic island and slight relocation to the North of the East-West lanes would enhance the situation greatly.
 - 3) The addition of a stoplight on one intersection of both North and South bound lanes of the one-way couplet would be of tremendous benefit by slowing through traffic and easing East-West traffic movement. A suggested location to be considered is 5th and "D" Streets and 4th and "D" Streets, when traffic reaches sufficient levels to meet state standards.
- E. During the formulation of this plan, serious consideration was given to the establishment of a highway bypass around the City. It is the City's official position to oppose any relocation of the existing highway through the City at the present time.

FINDING: The proposal does not affect any of the foregoing intersections or projects.

GOAL 14 - To provide for an orderly and efficient transition from rural to urban land, and to provide for livable communities.

POLICIES -

- A. The City, in cooperation with Jefferson County, shall establish an Urban Growth Boundary.

FINDING: The City has an Urban Growth Boundary (UGB), which is amended from time to time in cooperation with Jefferson County. The City coordinated with Jefferson County in the review of the proposal to ensure the proposed amendment was consistent with the Jefferson County and City of Madras Urban Growth Area Management Agreement.

- B. The City, in cooperation with Jefferson County, shall mutually agree to a management plan for the Urban Growth Boundary area.
- C. The City, in cooperation with Jefferson County, shall establish an Urban Growth Boundary revision process to be utilized in a proposed change of the Urban Growth Boundary.

FINDING: The City of Madras and Jefferson County in 2006 entered into an Urban Growth Area Management Agreement. This Agreement remains in effect today and establishes the process by which UGB amendments will be processed.

- D. The City shall encourage the development of complete, livable communities that include characteristics such as: a variety of lot sizes, dwelling unit types and ownership types, open spaces and other recreational amenities, a mix of land uses, school and community facilities, connected streets, proximity to downtown and other employment centers, and development that is scaled to the pedestrian and creates a sense of place. New growth areas should be developed in accordance with the Master Planned Community Overlay zone, which requires generous open space and amenities, and encourages efficient use of land and public facilities and services, a variety of housing types, innovative designs and complete pedestrian-friendly communities. Physical barriers, such as highways, tend to disrupt complete communities and livability because they disconnect areas from downtown and result in an auto-oriented environment of sprawl along highway corridors.

FINDING: The subject property is proposed to be rezoned to Large Lot Industrial where residential uses and their supportive and related development and amenities are not permitted. The proposed zone change will not alter the ability of the City to develop complete and livable communities.

CITY OF MADRAS DEVELOPMENT CODE (MMC CHAPTER 18)

18.70 - Annexation

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18.70.020 Annexation Procedure.

Annexation is a legislative land use decision and is subject to applicable provisions of the City of Madras Comprehensive Plan, Oregon Revised Statutes, and Oregon Administrative Rules. An annexation petition may be initiated by any person or by the City Council by resolution. Except as otherwise provided in MDC 18.70.050 through 18.70.080 or by state law, annexation petitions shall follow the procedures set out below:

(1) Any person who wishes to petition for the annexation of territory into the City shall participate in a pre-application conference prior to filing a petition for annexation. The purpose of the pre-application conference shall be to inform the person of the process for annexing territory into the City and to discuss the annexation proposal.

FINDING: City staff met several times with the applicant prior to filing the petition for annexation to discuss the proposal.

(2) Petitioners shall submit a completed petition on the form prescribed by the City, along with the applicable fee, to the City of Madras Community Development Department.

FINDING: The submitted petition for annexation was completed on the prescribed form. There is no applicable fee for applications submitted by the City.

(3) If the submitted petition for annexation is complete, 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. Notice will be provided, and comments solicited from, affected City Departments, state agencies, and special districts.

FINDING: The City's Development Director determined that the application was complete and scheduled hearings before the Planning Commission and the City Council. Notice was provided, and comments solicited from, affected City Departments, state agencies, and special districts.

(4) The Community Development Director, or their designee, shall prepare a report summarizing solicited comments and indicating the degree to which the petition is consistent with the provisions of this Code and other applicable criteria including, but not limited to, compliance with existing approvals and agreements.

FINDING: A staff report was prepared by the Community Development Director or a designee prior to all public hearings.

(5) The Planning Commission shall conduct a public hearing to determine a recommendation to the City Council to approve, approve with conditions or modifications, or deny the feasibility of the annexation proposal based on the applicable criteria as set forth in MDC 18.70.040. The Planning Commission shall state its recommendation, along with supporting rationale, in writing.

FINDING: A public hearing was conducted before the Planning Commission. The Planning Commission recommended that the City Council approve the proposal.

(6) The City Council, by ordinance, may approve the annexation following a public hearing and after making findings that the criteria set out in MDC 18.70.040 have been met.

FINDING: City Council conducted a hearing. These findings demonstrate compliance with applicable approval criteria.

(7) All public hearings for an annexation petition shall be noticed in accordance with ORS Chapter 222. Additionally, where an annexation, if approved, would create an island of unincorporated property, those property owners of record within the potential island shall be notified. Such notification shall expressly alert the owners of the potential for formation of an island.

FINDING: Notices of the public hearings for the annexation were published multiple times in the Madras Pioneer and posted at City Hall, Jefferson County Library, Jefferson County Annex, and US Post Office prior to the public hearings in accordance with ORS Chapter 222 and the notice provisions of the City's Development Code (MMC 18). The proposal does not create any island

(8) Where a vote on a proposed annexation is required, the City shall submit the question to the Jefferson County Clerk. If, following the vote, the City Council finds that a majority of the eligible votes cast are in favor of the annexation, the City Council shall, by ordinance, proclaim the annexation.

FINDING: A vote on the subject annexation is not required by the City Charter, the City's Zoning Ordinance, or by ORS Chapter 222.

(9) Territory annexed into the City shall automatically be given the City Comprehensive Plan designation and zoning designation that is the equivalent to the applicable County designations unless one or more of the following apply:

(a) The petitioner requests a new Comprehensive Plan designation or a zoning designation other than the equivalent City designation in the petition for annexation and files a separate application for zone change and plan amendment;

(b) The City Council proposes a new Comprehensive Plan designation or a zoning designation other than the equivalent City designation in the ordinance proclaiming the annexation; or

(c) The equivalent City designation is inconsistent with the City of Madras Comprehensive Plan, in which case a plan amendment and/or zone change application will be required.

FINDING: The subject property is currently zoned on the Jefferson County Zoning Map as EFU/A-1). The proposal includes rezoning the subject property from County EFU/A-1 to the City of Madras designation and zoning (unified map) of Large Lot Industrial (LLI). Contingent upon the Zone Change being approved by the City Council via passage of an adopting ordinance, upon annexation, the subject property will be assigned the City of Madras designation and zoning (unified map) of Large Lot Industrial. However, the effects of switching from the County zoning to the City's zoning are addressed in findings below.

18.70.030 Petition for annexation.

The petitioner for annexation shall complete a petition on the form provided by the Community Development Department and remit the applicable fee. The petition shall include:

(1) A map depicting the proposed annexation;

(2) Specific information on each parcel within the proposed annexation area, including:

(a) Current assessed valuation as shown on the Jefferson County Assessor's tax rolls;

(b) Acreage of both public and private property to be annexed;

(c) Map and tax lot number(s);

(d) A legal description of the territory to be annexed, meeting the relevant requirements of ORS 308.225;

(e) Situs address(es); and

(f) The owner(s) of record and mailing address(es) of the owner(s) of record.

(3) A list of registered voters in the proposed annexation area.

(4) Where applicable, consent to annexation forms, provided by the City, with notarized signatures of all property owners and electors within the proposed annexation area.

(5) Written findings, which address the following:

(a) Existing land uses within the annexation area.

(b) Existing zoning within the annexation area and proposed zoning that is consistent with the Comprehensive Plan.

(c) Whether the annexation area includes the jurisdiction of any special district as defined by ORS 198.010 and whether the annexed area will be withdrawn from the jurisdiction of the special district.

(d) The present availability of urban services within the proposed annexation area, a description of existing infrastructure, the present capacity of existing urban services and supporting infrastructure, the cost of extending and/or improving urban service infrastructure to City standards, and the method and source of financing the costs of extending and/or improving urban service infrastructure to City standards for the following services:

- (i) Sanitary sewers;**
- (ii) Storm drainage;**
- (iii) Streets;**
- (iv) Water;**
- (v) Fire;**
- (vi) Police;**
- (vii) Power;**
- (viii) Schools; and**
- (ix) Parks.**

(e) Where a zone change is requested or contemplated, a statement indicating the type and nature of any Comprehensive Plan text or map amendment or Development Code or zoning map amendments that will be sought. A separate zone change and/or plan amendment application shall be filed and may be processed concurrently.

FINDING: The applicant submitted application materials satisfying the standards set forth above. The proposal included a zone change and plan amendment all of which are being processed concurrently.

18.70.040 ANNEXATION CRITERIA.

Except as otherwise provided in MDC 18.70.050 through 18.70.080 or by state law, lands may be annexed only if the City Council finds that the following criteria are met:

(1) The annexation complies with all applicable provisions of ORS 222.

FINDING: The proposed annexation complies with the applicable provisions of ORS 222. Findings under the applicable provisions of ORS 222 are addressed above.

(2) The proposed annexation area is contiguous to the City limits as defined in and as required by ORS 222.

FINDING: The subject property is contiguous to the present city limits.

(3) The property is located within the urban growth boundary.

FINDING: The proposal includes a concurrent Comprehensive Plan amendment to include the subject property within the City's urban growth boundary. The subject property will be located within the City's urban growth boundary pursuant to the concurrent approval for a UGB amendment.

(4) The annexation meets at least one of the following purposes:

(a) To serve lands needing City water or sewer to alleviate a present or potential health hazard;

(b) To provide land to accommodate future urban development;

(c) To provide land for provision of needed transportation or utility facilities;

(d) To ensure that lands adjacent to the City are developed in a manner consistent with City standards; or

(e) The annexation is otherwise permitted by the applicable state law.

FINDING: The proposed annexation satisfies City Annexation approval criteria MMC 18.70.040(2), (3), (4), and (5). The annexed territory includes lands for a large lot industrial site which is a form of urban development designed to facilitate the siting of large traded-sector employers. The LLI Needs Analysis determined that there is a need for such sites in Central Oregon and COIC determined that the subject property is an appropriate location for such a site. By bringing the subject property into the City, the City can ensure that development of those lands will occur in a manner consistent with City standards through the Annexation Agreement between the City of Madras and Jefferson County, which requires, *"...no change of use will be approved, and no certificate of occupancy for any structure located on the Property will be issued, unless and until such use or structure is served with adequate levels of water and sewer, has lawful and sufficient access to a public right-of-way, complies with the fire code and other applicable Laws, and otherwise meets the requirements of the City's land use regulations..."* As addressed in the findings for ORS Chapter 222, the proposed annexation is otherwise permitted by applicable state law.

(5) The annexation is timely and the petitioner has adequately addressed infrastructure supply and demand issues. This criterion is satisfied where:

(a) An adequate level of the urban services, including, without limitation, water, sewer, transportation, parks, and police services, and infrastructure supporting those urban services, is presently provided in the annexation area;

(b) The City and other service providers are readily capable of extending or upgrading urban services and infrastructure to the area proposed for annexation without undue cost, negatively impacting existing systems, or inhibiting the adequacy of urban services to existing areas within the City limits; or

(c) Where urban services and infrastructure cannot readily be extended or upgraded, that the fiscal impacts to the City and other service providers of extending or upgrading urban services and

supporting infrastructure have been mitigated through an annexation agreement or other mechanism approved by the City Council.

FINDING: The record includes statements from Public Works Director Jeff Hurd that there are adequate levels of sanitary sewers, storm drainage, streets, and water to serve the subject property. The subject property is already served by the Jefferson County Fire District and there will be no change in service following the annexation. The subject property is already served with electricity from Central Electric Cooperative and there will be no change of service after annexation. Police protection will change from Jefferson County to the City of Madras Police Department. The record includes statement from Madras Chief of Police Tim Plummer that the Madras Police Department is able to provide police protection to the subject property once annexed. The annexed territory does not include any areas for residential development so there will be no additional burden on parks or schools. The service providers have not identified any undue costs or negative impacts to continuing or adding urban services to the subject property.

To address any remaining extensions or public improvement needs, approval is conditioned on execution of an Annexation Agreement between the City of Madras and Jefferson County that requires, *“...no change of use will be approved, and no certificate of occupancy for any structure located on the Property will be issued, unless and until such use or structure is served with adequate levels of water and sewer, has lawful and sufficient access to a public right-of-way, complies with the fire code and other applicable Laws, and otherwise meets the requirements of the City’s land use regulations...”* No further conditions or special agreements are necessary. Therefore, the property owner or their heirs or successors will be responsible for the cost to extend infrastructure to the subject property, including off-site improvements to ensure the site is adequately served and the development does not place an undue burden on existing public facilities.

(6) The proposed annexation complies with the Comprehensive Plan.

FINDING: The City’s Comprehensive Plan does not set forth any applicable standards or criteria for annexation other than Policy 5, which provides “The City shall coordinate provision of public services with annexation of land outside the City limits.” Coordination with utility providers and the Annexation Agreement achieve this requirement. Rather annexation is guided by state law and the provisions of the City’s Zoning Ordinance, which implements the Comprehensive Plan and includes criteria on the provision of public services.

(7) The proposed annexation is compatible with the existing topography, potential for future land division, natural hazards and other related considerations.

FINDING: The subject property is relatively flat and presents no topographical or natural hazard challenges for future development.

(8) The City Council may require an Annexation Agreement or otherwise condition approval of an annexation as necessary to achieve compliance with the provisions of this Section 7.4.

FINDING: Approval is conditioned on an Annexation Agreement between the City of Madras and Jefferson County. Both parties agree upon the terms of the Annexation Agreement and request that the Annexation proposal be approved and include the draft Annexation Agreement that will be recorded with the Jefferson County Clerk on the subject properties.

Chapter 18.75 - AMENDMENTS

18.75.030 Quasi-Judicial Amendments.

(1) *Applicability, Procedure and Authority.* Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure using the standards of approval in subsection (2) and/or (3) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the application may be approved, approved with conditions, or denied.

FINDING: The subject property is comprised of Tax Lots 10-13-27-200, 10-13-28-100, and 10-13-28-300. The proposal is limited to these properties and therefore the proposal is to be processed in a manner consistent with the Type III (quasi-judicial) review process. To the extent a legislative amendment, the proposal is nonetheless consistent with applicable state land use law and applicable Comprehensive Plan goals and policies as set forth in these findings. There is a public need or benefit from the proposal in meeting identified regional large lot industrial land need and regional economic benefits that flow from development of large lot industrial uses.

(2) *Criteria for Quasi-Judicial Comprehensive Plan Map Amendments.* The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

(a) Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Community Development Director;

FINDING: The findings of consistency with the Statewide Planning Goals are in this document and included herein by reference to demonstrate compliance with this standard.

(b) Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Community Development Director;

FINDING: The findings of consistency with the Comprehensive Plan policies are in this document and included herein by reference to demonstrate compliance with this standard.

(c) The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;

FINDING: The City has required the property owner to enter into an Annexation Agreement which identifies that, *"...no change of use will be approved, and no certificate of occupancy for any structure located on the Property will be issued, unless and until such use or structure is served with adequate levels of water and sewer, has lawful and sufficient access to a public right-of-way, complies with the fire code and other applicable Laws, and otherwise meets the requirements of the City's land use regulations..."* The Annexation Agreement will run with the land and will be recorded against the

property at the Jefferson County Clerk's Office. This provision in the Annexation Agreement ensures that adequate public facilities will be provided to the subject property upon development and thereby satisfies this standard.

- (d) Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map regarding the property that is the subject of the application; and

FINDING: The proposal responds to evidence of regional need for large industrial development sites as identified in the LLI Land Needs Analysis, which was adopted subsequent to the subject property obtaining its present zoning and designation representing a change in the neighborhood and/or community. Furthermore, the subject property was recommended by COIC to be the location of a large lot industrial site, which also represents a significant change.

- (e) Approval of the request is consistent with the provisions of the Transportation Planning Rule.

FINDING: Compliance with the transportation planning rule was addressed above.

(3) *Criteria for Quasi-Judicial Zone Changes.* The applicant must submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial zone change must be based on meeting the following criteria:

- (a) The amendment will bring the Zoning Map into conformance with the Comprehensive Plan map;

FINDING: The City of Madras has a one (1) map system that is both the Comprehensive Plan designation and Zoning of property in the Madras UGB. The proposed Zone Change will amend the City's Urban Area Comprehensive Plan and Zone Map to designate and zone the subject property as Large Lot Industrial (LLI) which satisfies the above stated standard.

- (b) The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property; and

FINDING: Provision of public facilities and services was addressed in other findings. The City has required the property owner to enter into an Annexation Agreement (Exhibit B) for which identifies that, *"...no change of use will be approved, and no certificate of occupancy for any structure located on the Property will be issued, unless and until such use or structure is served with adequate levels of water and sewer, has lawful and sufficient access to a public right-of-way, complies with the fire code and other applicable Laws, and otherwise meets the requirements of the City's land use regulations..."* The Annexation Agreement will run with the land and will be recorded against the property at the Jefferson County Clerk's Office. This provision in the Annexation Agreement ensures that adequate public facilities will be provided to the subject property upon development and thereby satisfies this standard.

- (c) Approval of the request is consistent with the provisions of the Transportation Planning Rule.

FINDING: Compliance with the transportation planning rule was addressed above.

Other Opponent Arguments

The City Council finds that any other arguments raised by opponents in these proceedings are either addressed in findings herein (whether or not such opponent arguments were specifically identified), do not address applicable approval criteria, and/or were not raised with sufficient specificity to provide the City notice of the issue or opportunity to reasonably respond.

EXHIBIT D
CONDITIONS OF APPROVAL

1. No development may occur on the subject property that, in the aggregate, exceeds 400 ADT without amending the City and County transportation system plans.
2. The applicant shall execute and record an annexation agreement with City in a form acceptable to the City.

EXHIBIT E
FORM OF ANNEXATION AGREEMENT

[attached]

After recording, return to:

City of Madras
Attn: City Recorder
125 SW E Street
Madras, Oregon 97741

ANNEXATION AGREEMENT

This Annexation Agreement (this "Agreement") is made this ____ day of _____, 2024 (the "Effective Date") between the City of Madras, ("City"), an Oregon municipal corporation, whose address is 125 SW E. Street, Madras, Oregon 97441 and Jefferson County ("County"), a political subdivision of the state of Oregon, whose address is 66 SE D Street, Suite D, Madras, Oregon 97741.

RECITALS

A. County is the owner of the property identified as Jefferson County Assessor Map and Tax Lots 10-13-27-200, 10-13-27-300, 10-13-28-100, and 10-13-28-300 and legally described in Exhibit A (the "Property"), which is presently located outside of the Madras city limits and the Madras urban growth boundary ("UGB").

B. County submitted a petition to annex the Property into the City under City File No. AX-24-1/ZC-24-1 (the "Annexation Petition") and to include the Property within the UGB pursuant to Planning File No. PA-24-1 (the "UGB Application", the resulting decision on the Annexation Petition and UGB Application is referred to herein as the "Land Use Decision").

C. To meet the requirements for annexation, the parties desire to memorialize an agreement for the provision of adequate levels of urban services.

AGREEMENT

In consideration of the mutual promises and obligations set forth herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Limitations on Development. No portion of the Property may be changed to a different use, be partitioned or subdivided, or otherwise further developed, without City approval of applicable planning, engineering and/or building permits or approvals. Notwithstanding anything herein to the contrary, no change of use will be approved, and no certificate of occupancy for any structure located on the Property will be issued, unless and until such use or structure is served with adequate levels of water and sewer, has lawful and sufficient access to a public right-of-way, complies with the fire code and other applicable Laws, and otherwise meets the requirements of the City's land use regulations. County acknowledges and agrees that City makes no representations, warranties, or commitments as to the availability of water,

sewer, transportation, or other urban services for future changes of uses and/or further development of the Property.

2. Improvements; System Development Charges. Nothing in this Agreement shall limit the City's ability to require dedications and/or public improvements as part of future land use approvals or other development permits. Nothing herein shall relieve County or its successors to any portion of the Property from paying applicable system development charges (nor preclude County from applying for any system development charge credits available) under City's municipal code or ordinances.

3. Waiver of Remonstrance. To facilitate installation of the public improvements necessary to serve the Property, County, on behalf of County and all future owners of and interest holders in the Property, hereby forever waives any and all right to remonstrate against the formation of a local improvement district or a reimbursement district by the City and/or any third party for the limited purpose of construction of public improvements benefitting the Property (or any portion thereof). "Right to remonstrate" refers solely to a property owner's right under the Laws to be counted as part of objecting property owners that can, in certain circumstances, suspend proceedings on the formation of a local improvement district or reimbursement district. The waiver of this right herein does not limit or otherwise restrict the ability of a party bound by this covenant to appear at any of the required public hearings and testify regarding the formation of a local improvement district or reimbursement district, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the local improvement district or reimbursement district. THIS WAIVER OF REMONSTRANCE RUNS WITH THE LAND AND IS BINDING ON ALL CURRENT AND FUTURE INTEREST HOLDERS IN THE PROPERTY.

4. Irrigation. County, at County's expense, will permanently transfer any water rights appurtenant to the Property prior to certificate of occupancy of the first structure developed after the Effective Date on each parcel comprising the Property or prior to any change of use on any parcel comprising the Property. County will coordinate with, and obtain all required permits, approvals, or permissions from, the Bureau of Reclamation and North Unit Irrigation District as necessary to transfer the irrigation rights.

5. No Overhead Utilities. County agrees that all utilities serving the Property, including, without limitation, any off-site extensions of utilities to the Property, will be placed underground.

6. Jurisdiction of Rights-of-Way. Notwithstanding the inclusion of any rights-of-way in the legal description of the lands to be included in the UGB and/or annexed into the jurisdictional limits of City included in the ordinance approving the Land Use Decision, jurisdiction for such rights-of-way, or portion thereof, will not transfer from County to City until physical development of the portion of the Property abutting the applicable right-of-way, or portion

thereof, with a large lot industrial use provided such rights-of-way, or applicable portions thereof, otherwise exhibit a pavement condition index (PCI) of 70 or above at the time of the proposed jurisdictional transfer.

7. Large Lot Industrial Zone Compliance. County will comply with the provisions of City's Large Lot Industrial Zone (Madras Municipal Code Section 18.15.130) including, without limitation, not redesignating the Property for other uses for at least 10 years from the time the Property is added to the City's comprehensive plan to meet regional large lot industrial land needs; not dividing or separating the lots or parcels within the Property to new lots or parcels of less than the minimum size of the site need until the Property is developed with a primary traded sector use requiring a large lot; and limiting any further development of the Property to traded sector uses.

8. Land Use Approval; Adoption by City Council; Recording. Nothing in this Agreement is to be construed as waiving any requirements of the Madras Municipal Code, Madras Development Code, or Madras Comprehensive Plan that may be applicable to the use and/or development of the Property. Nothing in this Agreement is to be construed as the City providing or agreeing to provide approval of any building, land use, or other development application including, without limitation the requested annexation of the Property. The parties acknowledge and agree that this Agreement is not effective unless and until the Madras City Council approved the Annexation Petition and UGB Application and adopts an ordinance(s) annexing the Property into the City and including the Property within the UGB. County acknowledges that the Madras City Council may condition such approvals and/or the effectiveness of such ordinance(s) on County executing specified amendments to this Agreement or otherwise reforming this Agreement. Upon adoption of an ordinance(s) annexing the Property into the City and including the Property in the UGB, the parties shall cause this Agreement (or an amended version thereof) to be recorded in the Official Records of Jefferson County at County's expense.

7. Miscellaneous.

7.1 Entire Understanding; Amendment; Waiver; Severability; Exhibits. This Agreement fully sets forth the terms of the annexation and other matters contemplated by this Agreement. There are no oral or other written agreements between the parties that modify, alter, or amend this Agreement. This Agreement may not be modified or amended, in any respect whatsoever, in whole or in part, except by a written instrument executed by the parties and duly recorded in the Official Records of Jefferson County. No waiver will be binding on a party unless it is in writing and signed by the party making the waiver. A party's waiver of a breach of a provision of this Agreement will not be a waiver of any other provision or a waiver of a subsequent breach of the same provision. If a provision of this Agreement is determined to be unenforceable in any respect, the enforceability of the provision in any other respect and of the remaining provisions of this Agreement will not be impaired. Any exhibits, schedules, and other attachments referenced in this Agreement are part of this Agreement.

7.2 Agreement Runs with the Land. This Agreement, and covenants contained in this Agreement, will run with the land and be binding upon County's successors and assigns and any other party holding any interest in the Property.

7.3 No Partnership. City is not, by virtue of this Agreement, a partner or joint venturer with County in connection with the development of the Property and shall have no obligation with respect to County's debts or other liabilities of each and every nature. It is agreed by and between the parties that County is not carrying out a function on behalf of City. City does not have the right of direction or control of the manner in which County completes performance under this Agreement nor does City have a right to exercise any control over County's activities. County is not an officer, employee or agent of City as those terms are used in ORS 30.265.

7.4 Mutual Cooperation and Further Assurances. City and the County will cooperate with each other in implementing the terms of this Agreement and agree to take such reasonable actions as may be necessary to effectuate the purposes of this Agreement.

7.5 Survival; Time of Essence; Notices. The termination of this Agreement, regardless of how it occurs, will not relieve a party of obligations that have accrued before the termination. Time is of the essence with respect to all dates and time periods in this Agreement. Any notice required under this Agreement must be in writing. Any notice will be deemed given when personally delivered or will be deemed given three (3) business days following delivery of the notice by U.S. mail, postage prepaid, certified, return receipt requested, by the applicable party to the address of the other party first shown above (or any other address that a party may designate by notice to the other party), unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day.

7.6 Governing Law; Venue; Attorney Fees. This Agreement is governed by the laws of the State of Oregon, without giving effect to any conflict-of-law principle that would result in the laws of any other jurisdiction governing this Agreement. Any action or proceeding arising out of this Agreement will be litigated in courts located in Jefferson County, Oregon. Each party consents and submits to the jurisdiction of any local, state, or federal court located in Jefferson County, Oregon. If any arbitration or litigation is instituted to interpret, enforce, or rescind this Agreement, including, without limitation, any proceeding brought under the United States Bankruptcy Code, the prevailing party on a claim will be entitled to recover with respect to the claim, in addition to any other relief awarded, the prevailing party's reasonable attorney fees and other fees, costs, and expenses of every kind, including, without limitation, the costs and disbursements specified in ORCP 68 A(2), incurred in connection with the arbitration, the litigation, any appeal or petition for review, the collection of any award, or the enforcement of any order, as determined by the arbitrator or court.

7.7 Interpretation. All pronouns contained herein and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The titles, captions, or headings of the sections herein are inserted for convenience of reference only and are not intended to be a part of or to affect the meaning or interpretation of this Agreement.

7.8 Remedies. In addition to any other remedy available at law or equity, County acknowledges and agrees that City may withhold any planning, engineering and/or building permits or approvals for the Property upon any breach of this Agreement by County. All available remedies are cumulative and may be exercised singularly or concurrently. Termination of this Agreement will not constitute a waiver or termination of any rights, claims, and/or causes of action a party may have against the other party.

7.9 Counterparts. This Agreement may be executed in one or more counterparts.

[signatures on next page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

JEFFERSON COUNTY

By: _____
Its: _____

STATE OF _____, County of _____, ss:

The foregoing instrument was executed before me this ____ day of _____, 2024,
by _____, the _____ of Jefferson County.

Notary Public for Oregon

CITY OF MADRAS

By: _____
Its: _____

STATE OF OREGON, County of Jefferson, ss:

The foregoing instrument was executed before me this ____ day of _____, 2024,
by _____, _____ for the City of Madras.

Notary Public for Oregon

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Parcel 1

The South half (S1/2) of the Northeast Quarter (NE1/4) of Section 28, Township 10 South, Range 13 East of the Willamette Meridian, Jefferson County, Oregon.

Parcel 2

The Northwest quarter of the Northwest quarter of Section 27, Township 10 South, Range 13 East of the Willamette Meridian, Jefferson County, Oregon.

EXCEPTING THEREFROM, Beginning at the Northwest corner of Northwest quarter of the Northwest quarter of Section 27, Township 10 South, Range 13 East of the Willamette Meridian, Jefferson County, Oregon, being the intersection of Columbia Drive and Dogwood Lane; thence South 210 feet; thence East 150 feet; thence North to the North line of said Section 27; thence West to the point of beginning.

Parcel 3

Beginning at the Northwest corner of Northwest quarter of the Northwest quarter of Section 27, Township 10 South, Range 13 East of the Willamette Meridian, Jefferson County, Oregon, being the intersection of Columbia Drive and Dogwood Lane; thence South 210 feet; thence East 150 feet; thence North to the North line of said Section 27; thence West to the point of beginning.

Parcel 4

The North half of the Northeast quarter of Section 28, Township 10 South, Range 13 East of the Willamette Meridian, Jefferson County, Oregon.

EXHIBIT F
AMENDED MADRAS URBAN AREA COMPREHENSIVE PLAN AND ZONE MAP

[attached]



The City of Madras uses GIS data in support of internal business functions and the public services it provides. GIS data may not be suitable for other purposes or uses. The requestor shall verify information derived from GIS data before making any decisions or taking any actions based on the information. The City of Madras shall not be liable for errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and relational accuracy of the data. The City of Madras assumes no legal responsibility for this information.



1 inch = 852 feet

N. Snead, City of Madras, 12/2/2024

- UGB
- City Limits
- Taxlots

R1

R2

R3

OS

Zoning

C1

C2

C3

NC

MUE

I

LLI

AD