



CITY COUNCIL
July 22, 2014
Council Chambers • 777 SW Deschutes Avenue

**COUNCIL
MEMBERS**

George Endicott
Mayor

Tory Allman
Councilor

Joe Centanni
Councilor

Camden King
Councilor

Ginny McPherson
Councilor

Ed Onimus
Councilor

Jay Patrick
Councilor

JULY 22, 2014

REGULAR MEETING AGENDA

6:30 P.M.

I. CALL TO ORDER / ESTABLISH A QUORUM

II. BLESSING

- A. Pastor Mike Ferry, Cornerstone Christian Fellowship

III. PLEDGE OF ALLEGIANCE

IV. EXECUTIVE SESSION

Oregon Law permits public bodies to meet in executive session to discuss specific matters which are not open to the public. Final actions or decisions on these matters will be made during regular session.

- A. Real Property – ORS 192.660(2)(e) authorizes executive session “to conduct deliberations with persons designated by the governing body to negotiate real property transactions.”

Under the provisions of the Oregon Public Meetings Law, the proceedings of this executive session are for background information only for media attending and not for publication or broadcast.

V. MOTIONS AS A RESULT OF EXECUTIVE SESSION

VI. COMMENTS FROM CITIZENS AT THE MEETING

VII. CONSENT AGENDA

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| A. Minutes of July 8, 2014, P.M. Council Meeting | Exhibit 1 |
| B. Minutes of July 15, 2014, Special P.M. Council Workshop | Exhibit 2 |
| C. Police Vehicle Purchase | Exhibit 3 |
| D. Intergovernmental Agreement with Redmond Urban Renewal Agency clarifying land acquisition and disposition, capital improvements, and administrative services. | Exhibit 4 |

VIII. PUBLIC HEARINGS

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| A. Ord. #2014-14 – An ordinance amending the Redmond City Code Chapter 8, Article I, Zoning Standards, Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fencing). | Exhibit 5 |
| B. Ord. #2014-15 – An ordinance adopting the 2014-2018 Redmond Consolidated Plan for Housing and Community Development and the Redmond Annual Action Plan 2014-2015 and authorizing the submission of the Consolidated Plan and Annual Action Plan to the US Department of Housing and Urban Development. | Exhibit 6 |

IX. ORDINANCES

In accordance with the City of Redmond Charter, an ordinance takes effect 30 days after its enactment except when a later effective date is specified in the ordinance; when the ordinance contains an emergency clause, it takes effective immediately.

- A. Ord. #2014-13 – An ordinance to amend Chapter 4 of the Redmond City Code – Utilities. Exhibit 7

X. ACTION ITEMS

- A. Res. #2014-17 – A resolution of the City of Redmond directing the City Manager or designated staff to suspend the implementation of a city-operated fueling service at Roberts Field – Redmond Municipal Airport. Exhibit 8

XI. MAYOR'S COMMENTS

XII. COUNCIL COMMENTS

XIII. CITY MANAGER COMMENTS

XIV. ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

XV. ADJOURN

Regular Council meetings are broadcast live on COTV11 – BendBroadband Channel 11 beginning at 6:30 p.m. on the 2nd and 4th Tuesdays of each month. Rebroadcasts are scheduled for the non-meeting Tuesdays at 6:30 p.m.

Anyone needing accommodation to participate in the meeting must notify Mike Viegas, ADA Coordinator, at least 48 hours in advance of the meeting at 541-504-3032, or through the Telecommunications Relay Service (TRS) which enables people who have difficulty hearing or speaking in the telephone to communicate to standard voice telephone users. If anyone needs Telecommunications Device for the Deaf (TDD) or Speech To Speech (STS) assistance, please use one of the following TRS numbers: 1-800-735-2900 (voice or text), 1-877-735-7525 (STS English) or 1-800-735-3896 (STS Spanish).

The City of Redmond does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in, its programs or activities

REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD JULY 8, 2014, IN THE CITY COUNCIL CHAMBERS.

COUNCIL MEMBERS PRESENT: Joe Centanni – George Endicott – Camden King – Ginny McPherson – Ed Onimus – Jay Patrick

COUNCIL MEMBERS EXCUSED: Tory Allman

STAFF PRESENT: City Manager Keith Witcosky – City Attorney Steve Bryant – Airport Director Jeff Tripp – Police Chief Dave Tarbet – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Community Development Director Heather Richards – CIS Administrator Sheri Cleveland – Finance/Budget Manager Jason Neff – Accounting Manager Jodi Burch

MEDIA PRESENT: None

Mayor Endicott called the meeting to order at 6:30 p.m.

INVOCATION

Pastor Mike Ferry, Cornerstone Christian Fellowship, led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Endicott led the Pledge of Allegiance.

COMMENTS FROM CITIZENS AT THE MEETING

Citizen Ruth Beal addressed the Council regarding illegal fireworks around her home and asked the Council for assistance. Police Chief Dave Tarbet addressed questions from the Council. Council King noted that in addition to the noise, there is a significant safety issue.

There were no additional comments from citizens.

CONSENT AGENDA

- A. Minutes of June 10, 2014 P.M. Council Meeting (Exhibit 1)**
- B. Minutes of June 17, 2014 Special P.M. Council Meeting (Exhibit 2)**
- C. Minutes of June 24, 2014 P.M. Council Meeting (Exhibit)**

Councilor King moved, seconded by Councilor McPherson, to approve the Consent Agenda as presented, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)

ACTION ITEMS

- A. Amendment #1 to City Contract #2014-35 with SmithAmundsen, LLC (Exhibit 4)**

Airport Manager Jeff Tripp explained that Amendment #1 will increase the amount of the contract from \$50,000.00 to a not to exceed amount of \$100,000.00 for legal services associated with the City operated fueling service. Mayor Endicott shared that despite additional communications with KC Aero, the City has not abandoned its stance on moving forward with City-operated fueling.

Councilor King moved, seconded by Councilor Centanni, to approve Amendment #1 to City Contract #2014-35 with SmithAmundsen to increase the contract limit in an amount not to exceed \$100,000.00 and authorize the City Manager to sign the amendment, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)

- B. League of Oregon Cities Legislative Agenda Prioritization (Exhibit 5)**

The Council discussed the various items contained within the League of Oregon Cities Legislative Agenda. The top four priorities for Redmond are:

- B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.00. (*Community Development*)
- E. Modify the existing “1.5% green energy technology for public buildings” requirement to allow for offsite solar investments. (*Energy*)
- H. Improve the fairness of how new and improved property is added to the tax roll. (*Finance & Taxation*)
- T. Continued or enhanced funding for *ConnectOregon*. (*Transportation*)

MAYOR’S COMMENTS

Mayor Endicott provided the Council with information from a meeting with state officials regarding the eastside interceptor noting there are options available for federal and state funds. Mayor Endicott also reported on the various Independence Day celebrations which took place throughout the holiday weekend highlighting the patriot tribute for World War II veterans held on July 3, 2014 at American Legion Park.

COUNCIL COMMENTS

Councilor Patrick commented on the patriot tribute event as well noting that it was an enjoyable event.

Councilor Centanni spoke regarding comments he has received on the recent speed limit change on US Highway 97. The downtown Redmond merchants will be holding sidewalk sales this weekend and shoppers were encouraged to show their support.

Councilor King encouraged citizens to shop local

CITY MANAGER COMMENTS

City Manager Keith Witcosky spoke regarding upcoming work sessions with the Council and the status of a Sister City agreement with the City of Cuautla.

ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

There were no additional comments from citizens at the meeting.

There being no further business, the meeting was adjourned at 7:16 p.m.

Prepared by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 22nd day of July, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

SPECIAL P.M. CITY COUNCIL WORKSHOP OF THE CITY OF REDMOND WAS HELD JULY 15, 2014, IN THE CITY COUNCIL CHAMBERS.

COUNCIL MEMBERS PRESENT: Tory Allman – Joe Centanni – George Endicott – Camden King – Ginny McPherson – Jay Patrick

COUNCIL MEMBERS EXCUSED: Ed Onimus

STAFF PRESENT: City Manager Keith Witcosky – City Attorney Steve Bryant – Airport Director Jeff Tripp – Police Chief Dave Tarbet – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Community Development Director Heather Richards – CIS Administrator Sheri Cleveland – Deputy Director Jason Neff – Deputy Director Jodi Burch

MEDIA PRESENT: Leslie Pugmire-Hole, Redmond Spokesman

Mayor Endicott called the workshop to order at 6:30 p.m. and explained that the City Communications Plan (Exhibit 1) will be moved to the end of the agenda.

DISCUSSIONS

A. City Communications Plan, Heather Cassaro (Exhibit 1)

Communications Manager Heather Cassaro presented the Council with an overview of the City's proposed strategic communication plan while describing its purpose and what it achieves. Key components of the communication plan include:

- Municipal image and customer service
- Communication consistency
- Technology
- Citizen engagement
- Emergency communication

Ms. Cassaro accepted questions from the Council.

B. Community Development Block Grant Consolidated Plan and 2014/2015 Annual Action Plan, Heather Richards (Exhibit 2)

Community Development Director Heather Richards described for the Council the Community Development Block Grant (CDBG) Program which is authorized under Title I on the Housing and Community Development Act of 1974. The purpose of the CDBG program is to develop viable urban communities for low- and moderately incomes persons by providing decent housing, a suitable living environment, and expanding economic opportunities.

Mr. Richards explained the elements of the CDBG program, regulated oversight of the program, national objectives, the timeframe for CDBG task force planning, and considerations for the Consolidated Plan. Redmond's current demographic trends indicate the following:

- Large concentration of families (68 percent)
- Low incomes (median income 25 percent lower than county)
- Persons below poverty line has doubled in recent years (21.6 percent)
- Age in place / retirement growth (9 percent annual growth in 55 to 75 year olds)
- Rental housing supply is extremely limited (1 percent vacancy rate. Over 50 percent of the population has a housing cost burden of over 35 percent of HHI and is trending upwards.)
- Homelessness is increasing

Ms. Richards also reviewed results of a survey which included employment characteristics; population characteristics such as ethnicity and education; job distribution; wage trends from 2006-2012; business

information, and affordable housing statistics. The goals of the Consolidated Plan and percent of funding allocation over the next five years* are:

1. Provide decent affordable housing and work towards homeless prevention (50 percent)
2. Increase economic opportunities (15 percent)
3. Support agencies that provide public services serving low- and moderate- income residents (15 percent)
4. Remove barriers to accessibility
5. Further fair housing

*Administration and planning (20 percent)

Ms. Richards shared the fiscal year 2014/2015 Annual Action Plan Summary goals and funding allocation. The goals are:

- Goal #1: Affordable Housing Supply and Homeless Prevention (\$77,727.00, 5 units)
- Goal #2: Increase Economic Opportunities (\$24,300.00, 9 jobs created or workforce trained)
- Goal #3: Support Public Agencies Providing Services (\$25,000.00)
- Goal #4: Remove Barriers to Accessibility (\$25,000.00)
- Goal #5: Administration and Further Fair Housing (\$38,000.00)

Councilor King expressed concern with spreading the funds too thin and suggested that focusing resources in one area that serves the greatest need may have the biggest overall impact in all of the areas. Councilor McPherson explained that the Housing and Urban Development regulations are so stringent that many of the areas must be ready to go with their expansion of facilities and/or services. Council continued their discussion and Ms. Richards addressed questions.

C. Proposed Development Code Amendments for Residential Design Standards for Single Family Dwellings and Duplexes, and Fence Standards, Heather Richards (Exhibit 3)

Ms. Richards stated that the purpose of the discussion is to provide information pertaining to a proposed Development Code amendment scheduled for a public hearing before the Council on July 22, 2014. In May 2013, the Council adopted a set of residential design standards which would implement Council's goal of Great Neighborhood Principles as well as Redmond Comprehensive Plan goals and policies of quality neighborhoods, and respond to community concerns over Redmond's "curb appeal". In spring 2014, Central Oregon Builders Association (COBA) and several developers met with City officials to express their concerns with the new standards. The Urban Area Planning Commission (UAPC) held three work sessions and a public hearing on the issue.

Developer concerns included screening of mechanical equipment, building design (house repetition), roof and wall design, and fences. Ms. Richards compared the current Development Code language and described the proposed amendments while showing examples of the requirements.

UAPC Chair Evan Dickens and UAPC Commissioner Anne Graham spoke to the Council regarding the UAPC's efforts to work through these issues, their considerations of affordable housing, and the intent of the standards. Mr. Dickens noted the UAPC had many varying opinions due to the complexity of the issue, but were able to reach an agreeable recommendation.

In response to questions from Mayor Endicott, City Attorney Steve Bryant stated that in an effort to continue transparency, those Councilors who have been contacted by COBA should declare so at the upcoming public hearing.

OTHER BUSINESS

There being no further business, the workshop was adjourned at 8:35 p.m.

DRAFT

APPROVED by the City Council and SIGNED by the Mayor this 22nd day of July, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder



CITY OF REDMOND

716 SW Evergreen Ave
Redmond, OR 97756

(541) 923-7710
Fax: (541) 548-0706
info@ci.redmond.or.us
www.ci.redmond.or.us

STAFF REPORT

DATE: July 22, 2014
TO: Mayor and Council Members
THROUGH: Keith Witcosky, City Manager
FROM: Dave Tarbet, Chief of Police
SUBJECT: Vehicle purchase

Addresses Council Goal:

- 1) Sustain Operations
 - A) Provide critical and necessary services for the entire city

Report in Brief:

A goal of the Redmond Police Department is to adhere to an on-going vehicle replacement schedule. New vehicles purchased will replace vehicles with high mileage and increasing maintenance costs.

Fiscal Impact:

The 2014-15 Police Department budget includes \$147,300 in funding to replace three (3) patrol vehicles. Of the total budget, \$81,000 is allocated for the purchase of the vehicles, not including additional equipment.

The quote received from Gresham Ford on State of Oregon Contract #0434 sets the cost of the 2015 Ford Police Utility Interceptor at \$26,187. The total cost of three (3) vehicles is \$78,561.

Recommendation/Suggested Motion:

"I move to approve the purchase of three (3) Ford Police Utility Interceptors from Gresham Ford for a total amount of \$78,561 and authorize the City Manager to sign the contracts."

Dave Tarbet
Chief of Police

Paul Blankenship
 Municipal/Commercial Fleet Manager
 Military Deliveries
Cell 503.490.6510
 Fax 503.665.0497
 Paul@GreshamFord.com

Gresham Ford Fleet Department
 1999 East Powell Blvd
 Gresham OR 97080



Awarded the State of Oregon Contract #0434

K8A 2015 Ford Police Utility Interceptor AWD.	\$25,516.00
YZ Oxford White	No Charge
9W Black Cloth Front Buckets/Rear Vinyl	No Charge
500A Equipment Group	No Charge
99R 3.7L V6 TIVCT Gas Engine	No Charge
44C 6-Spd Automatic Transmission	No Charge
Front License Plate Bracket	No Charge
422 California Emissions	No Charge
43D Courtesy Disable/Dark Car Feature	\$17.00
51Y Driver Side Spot Lamp	\$187.00
595 Keyless Entry W/O Door Pad	\$227.00
76R Reverse Sensing System	\$240.00
Delivery To Auto Additions	Included
Total Vehicle Purchase Price	\$26,187.00
Current Ford Production time 14 weeks.	
Phone #	541-504-3422
Contact Name	Lt. Mike Kidwell
E-Mail	mike.kidwell@chredmond.or.us



CITY OF REDMOND
Community Development Department

716 SW Evergreen Avenue
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.ci.redmond.or.us

STAFF REPORT

DATE: July 22, 2014
TO: Mayor and Council Members
THROUGH: Keith Witcosky, City Manager
FROM: Heather Richards, Community Development Director
SUBJECT: Intergovernmental Agreement between the Redmond Urban Renewal Agency and the City of Redmond

Addresses Council Goal:

9. URBAN RENEWAL – Invest resources to encourage new business investment in designated blighted areas that will grow the job base and strengthen and diversify the tax base in that area.

A. Maintain and manage resources to ensure consistent program delivery and sufficient financial resources.

Report in Brief:

This is the consideration of an Intergovernmental Agreement (IGA) between the Redmond Urban Renewal Agency (RURA) and the City of Redmond (City).

Background:

Over the years the City and the RURA have operated as two separate entities with a common goal and an informal agreement which set the structure for business operations and transfer of assets. Recently the City of Redmond's auditor recommended the City and the RURA formalize this relationship through an IGA and create a policy for transferring assets from the RURA to the City.

Discussion:

The attached IGA describes how the City the RURA will design, develop, construct, maintain, insure and transfer assets between the agencies.

Fiscal Impact:

There should be no fiscal impact as the activities described in the IGA already occur but this process will formalize the relationship.

Alternative Courses of Action:

1. Authorize the City Manager to sign the Intergovernmental Agreement
2. Request more information.
3. Do not authorize the City Manager to sign the Intergovernmental Agreement.

Attachments:

Intergovernmental Agreement between the Redmond Urban Renewal Agency and the City of Redmond

Recommendation/Suggested Motion:

I move to authorize the City Manager to sign the Intergovernmental Agreement between the Redmond Urban Renewal Agency and the City of Redmond.

Heather Richards
Community Development Director

Attachments:

Intergovernmental Agreement between the Redmond Urban Renewal Agency and the City of Redmond

INTERGOVERNMENTAL AGREEMENT
Between the
REDMOND URBAN RENEWAL AGENCY
and the
CITY OF REDMOND

THIS AGREEMENT ("Agreement") is made and entered into by and between the Redmond Urban Renewal Agency, a public body corporate and politic, acting through its Board of Directors, hereinafter referred to as "Agency", and the City of Redmond, an Oregon municipal corporation, acting through its City Council, hereinafter referred to as "City". Each of the Agency or the City may be referred to as a "Party" or together as the "Parties."

WHEREAS, the City Council authorized the Agency, and designated the Board of Directors to exercise the urban renewal powers of the Agency by Ordinance No.89-11 on July 25, 1989; and

WHEREAS, the City and the Agency wish to work cooperatively and in the best interest of the public to accomplish the projects in any Urban Renewal Plan ("Plan") adopted by the City Council, and implemented by the Agency; and

WHEREAS, the City and the Agency wish to clarify the relationship between the City and the Agency with respect to land acquisition and disposition, capital improvements and administrative services,

NOW THEREFORE, in consideration of the mutual benefits to be realized by performing this Agreement, the City and the Agency agree as follows:

TERMS OF AGREEMENT

1. LAND ACQUISITION

Section 1.1 Real Property: The Agency may purchase real property for the benefit of public projects, in accordance with Plan, to achieve the objectives of the Plan. Specifically, such purposes shall include rehabilitation, public improvements such as streets, alleys, bicycle paths and pedestrian ways; facilities such as parks and other uses that benefit the public and are to be developed by the Agency or the City; and where it is determined that a substantial public interest or the objectives of the Plan can be furthered by assembling property for development or redevelopment by a party other than the owners of record of such property.

Section 1.2 Easements and Rights of Way: The Agency may acquire easements and rights of way necessary to Agency improvement projects, such as for landscape, maintenance, utilities, amenities, and street construction. If an easement or agreement will encumber the City in the future, such as landscape easements on private property, both the Agency and the City, in addition to the property owner, will execute the necessary documents, and an easement will be recorded in the Deschutes County public record.

Section 1.3 Length of Ownership: The Agency may hold land, or interests in land, that it acquires for ultimate transfer to the City in Agency ownership until such time that is mutually beneficial to both parties. The Agency may retain ownership for an indefinite period of time, pending development of a site, or may transfer the land or interest shortly after purchase. The consideration for all transfers from the Agency to the City shall be \$-0-. The City shall pay all fees and title insurance costs associated with the transfer.

Section 1.4 Effective Date of Transfer: If property other than real property is transferred, the effective date of transfer shall be the date of acceptance by the City of Redmond. If real property is to be transferred, the effective date of transfer shall be the date the City executes acceptance of the deed.

Section 1.5 Agency Cannot Obligate City to Future Activities: If a real property purchase, easement or agreement with property owners made by the Agency places future obligations on the City, the Agency shall inform the City and obtain City approval prior to completing the transaction. In the case of easements or agreements with property owners, both the Agency and City shall be signers.

2. REIMBURSEMENT

Section 2.1 Materials and Services: Each of the Agency and City shall be entitled to compensation for any staff services or supplies provided by one to the other party, provided that, in advance of the performance of services or the providing of supplies, the City and the Agency shall have agreed, in writing, to the scope and cost of such materials and services. Agency requests for City services are to be approved by the City Manager. City requests for Agency services are to be approved by the Agency Board of Directors.

Section 2.2 Project Reimbursement: Agency and City may agree to share the costs of capital improvement projects within the Plan. Such agreement will be in writing, setting out the scope of the project, anticipated share of the cost to be paid by each Party, and the terms for reimbursing the Party performing the work.

Section 2.3 Depositing to LGIP: The City and the Agency may each make deposits to the other's Local Government Investment Pool account when in the interests of a project to do so. Deposits shall be in the form of a check, rather than a transfer. If the deposit is to be held in the LGIP account for longer than 30 days, interest shall be paid on the balance.

3. CAPITAL MAINTENANCE (LANDSCAPE ASSETS)

Section 3.1 Landscape: On Agency-installed landscape projects, the Agency may elect to pay for up to one (1) year of landscape maintenance, hereinafter known as "Capital Maintenance", in order to protect its capital investment. The Agency may contract with the City Public Works Department to provide Capital Maintenance services, or hire an outside firm or agency. The Agency cannot pay for, or reimburse the City for, routine maintenance. Capital Maintenance is arranged for in addition to the standard 1-year warranty period provided by most landscape installers to replace faulty installations

or defective plant or irrigation materials only. The Agency shall be responsible for supervising services hired under Capital Maintenance.

Section 3.2 Real Estate: On Agency-owned property, the Agency shall pay for normal costs associated with ownership of land, such as complying with local weed control laws, nuisance abatement, and hazardous waste removal.

4. INSURANCE COVERAGE

Section 4.1 Real Property: All land acquisitions shall be added to the general liability insurance policy of the City and the City shall charge the Agency proportionally. Upon transfer of assets, the Agency shall no longer be responsible for the proportionate share related to the asset.

Section 4.2 Construction Projects: The City shall notify its respective insurance carrier upon the start and completion of any Agency construction project.

Section 4.3 Contractors' Insurance: All bidding and contract documents on Agency projects shall require contractors to carry general liability insurance naming both the City and the Agency as separate insured entities, and provide Certificates of Insurance to each. Amounts shall be \$1 million per occurrence and \$2 million general aggregate. Any building being constructed shall be covered by the contractor's building insurance until a certificate of occupancy is issued, naming the City or the Agency as beneficiary, or both, whichever holds the financial interest in the building itself. For example, if the Agency owns real property and the City builds a structure on that property, the contractor shall name the City as the beneficiary of the building insurance.

Section 4.4 Buildings & Structures: All buildings and structures built or owned by the Agency shall be covered by the City's insurance policy and proportionally billed to the Agency until such time that the asset is transferred to the City.

5. OPERATING AGREEMENT

Section 5.1 City Operation of Agency Property: Should the City wish to operate facilities, such as a public park, public building, or recreational facility on land or improvements owned by the Agency, an Operating Agreement shall be executed to define each Party's responsibilities. The Operating Agreement shall include:

- 5.1.1 A clear statement of the City's responsibility for maintenance and the enforcement of regulations in the use and operation of the facilities;
- 5.1.2 A clear definition of who controls the use of the facility, how the facility is to be maintained, and how to prevent interference with property management;
- 5.1.3 The City's agreement, as operator, to save and hold harmless the Agency from liability caused by negligent operations;
- 5.1.4 If the improvements are owned by the Agency, the Agency shall agree to save and hold harmless the City from liability caused by negligent construction; and

5.1.5 The City shall carry liability insurance with the Agency named as an additional insured.

Section 5.2 Capital Maintenance: On landscape improvements transferred to the City but for which the Agency has maintained Capital Maintenance responsibility Agency and City shall enter into an Operating Agreement to define each Party's responsibilities during the Capital Maintenance period. The Operating Agreement under this paragraph will include:

5.2.1 Agency shall hire contractors, supervise the Capital Maintenance work and pay for Capital Maintenance services and manage any warranty claims;

5.2.2 A clear definition of the Party which controls the uses of the land/improvements, how to prevent interference; and

5.2.3 The date the City will assume responsibility for maintenance.

6. TRANSFER OF ASSETS

Section 6.1 Transfer of Assets: At such time as the Agency and City may determine, the Agency shall, by resolution of the Board of Directors, transfer the assets of the capital improvement project to the City, naming the project and total value of the project. Administration costs are to be capitalized.

Section 6.2 Timing of Transfer and Acceptance by City: The transfer of assets shall take place as soon as practical after the project is completed. The City shall accept the transfer of assets by resolution of the City Council within 30 days of the Agency's resolution.

Section 6.3 Landscape/Capital Maintenance: The estimated value of the Capital Maintenance shall be included in the Transfer of Assets as part of the total value.

Section 6.4 Contractors' Warranties: When the Transfer of Assets is complete, the Agency shall assign to the City any contractors' warranties still outstanding.

Section 6.5 Property Owner Agreements: The Agency shall also assign any property owner agreements outstanding. However, it is understood that easements and similar agreements shall name both the Agency and the City and require signatures of both Parties.

Section 6.6 Conveying Land and Improvements Separately: The Agency may turn over real property improvements to the City separately from land. Conveying ownership of real property improvements does not affect liability for improvements constructed in a negligent manner.

7. FINANCIAL NOTIFICATION

Section 7.1 Annual Financial Report: The Agency shall provide the City with an annual financial report, in accordance with state law.

Section 7.2 Agency Long Term Indebtedness: The Agency shall notify the City whenever a new bond issuance is being considered by the Board of Directors and provide an accompanying financial projection. Such notification is intended to give the City Council the opportunity to review appropriate information in advance of the Agency's request for City approval of the proposed bond issuance.

8. RIGHTS & RESPONSIBILITIES

Section 8.1 City Rights and Responsibilities: The City shall have the following rights and responsibilities:

- 8.1.1 Give Agency the right to work in the public right of way to do construction.
- 8.1.2 Provide comment on Agency projects.
- 8.1.3 Assume responsibility for providing public notice on street closures and interruption of public services or city utilities for Agency projects, in order to maintain consistency in notification standards and procedures.
- 8.1.4 Ensure that contractors provide proof of insurance coverage naming both City and Agency as insured parties on joint projects in which the Agency reimburses the City.

Section 8.2. Agency Rights and Responsibilities: The Agency shall have the following rights and responsibilities:

- 8.2.1 Observe all city standards in construction, unless directed otherwise by the City Council.
- 8.2.2 Notify the City Council of anticipated Agency projects each year, prior to beginning the budget process.
- 8.2.3 Seek approval from the City Council prior to issuing new bonds.
- 8.2.4 Seek approval from the City on proposed landscaping projects and their estimated maintenance costs prior to finalizing design.
- 8.2.5 Assume responsibility for ensuring public safety during Agency projects.
- 8.2.6 Assume responsibility for communicating directly with the public and/or affected neighborhoods to allow for public input on projects.
- 8.2.7 Ensure that contractors provide proof of insurance coverage naming both the Agency and the City as insured parties.
- 8.2.8 Provide comment on planning issues and actions affecting the Urban Renewal Area.

9. COMMUNICATION

Because communication is an important part of the Agency's and City's relationship, the following shall take place:

- 9.1 The Agency shall keep the City informed of planned projects.
- 9.2 The Agency shall make presentations to the City Council from time to time on pertinent projects or issues that require City consideration.
- 9.3 The Agency's Manager and the City's City Manager will maintain open and regular communications.
- 9.4 The Agency, City Council, and Planning Commission may hold a joint meeting annually to discuss projects and issues of mutual interest.
- 9.5 The Agency may publish items of public interest in the City's monthly newsletter.

10. PROJECT COORDINATION

While the Agency was activated as an independent financial and legal entity, it is recognized that, because Agency projects may ultimately become City assets, it is beneficial for both parties to coordinate closely on projects.

Section 10.1 Project Priorities: The Agency's Manager, the City Manager and the City Engineer shall meet annually to discuss potential projects, anticipated costs and scheduling prior to entering the budget process. The Agency shall consider the City's needs in developing the Agency's project priorities.

11. PARTY APPROVALS AND CONTACTS

Section 11.1 Agency: In all cases where this Agreement requires the approval of the Agency, the approval may only be given by action of the Agency Board of Directors or its designee.

Section 11.2 City: In all cases where this Agreement requires the approval of the City, the approval may be given by the City Council or its designee.

12. LENGTH OF AGREEMENT

This Agreement shall remain in effect for three (3) years from the date of acceptance with an automatic extension, until a new Agreement is adopted or until the term of the Agreement is extended.

**Redmond Urban Renewal Agency,
by and through its Board of
Directors:**

By: George Endicott

Title: Board Chair

Date_____

**City of Redmond,
by and through its elected officials:**

By: Keith Witcosky

Title: City Manager

Date_____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By_____

Legal Counsel



CITY OF REDMOND
Community Development Department

716 SW Evergreen Avenue
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.ci.redmond.or.us

STAFF REPORT

DATE: July 22, 2014
TO: Mayor and Council Members
THROUGH: Keith Witcosky, City Manager
THROUGH: Heather Richards, Community Development Director
FROM: Scott Woodford, Associate Planner
SUBJECT: Public Hearing, Ordinance No. 2014-14, Proposed Development Code Amendments – Residential Design Standards for Single-Family Dwellings and Duplexes, and Fence Standards, Section 8.0141 and Section 8.0340. (File TA 14-5)

Addresses Council Goal:

7. Comprehensive Planning. Enhance the quality of life in the city through adoption of programs, policies, and standards that balance growth while maintaining its unique character.

A. Promote quality development. Continue to incorporate the Great Neighborhood Principles in both new development and infill development.

Report in Brief:

This is a public hearing to consider proposed amendments to the City of Redmond Development Code - Amendments to Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fencing), recommended by the Redmond Urban Area Planning Commission.

Background:

On May 14, 2013, the City of Redmond adopted Architectural Design Standards for Single-Family Dwellings and Duplexes. The standards were put in place to address community concern about the quality of residential development built in Redmond over the past decade. Specifically of note was the preponderance of repetition of the same home designs and not enough architectural interest added to the houses. Reversing these design trends is important to maintain the City's efforts to further establish Redmond as a great place to live and work.

The intent of the new standards is to achieve these primary goals:

- Implement the Redmond City Council Goals to promote quality neighborhoods and developments through incorporation of Great Neighborhood Principles.
- Implement goals and policies of the City of Redmond Comprehensive Plan concerning residential compatibility and enhancement.
- Address community concerns regarding elements that are desirable in new neighborhoods.
- Ensure that design standards continue to include requirements for complete neighborhoods.
- Ensure that new residential development is aesthetically pleasing and maintains property value.

Attachments:

Attachment A: Ordinance No. 2014-14

The design standards have now been implemented by staff for one year and the City has processed multiple single family building permits. After an initial learning curve for both City staff and applicants, staff feels the process is now working well and the resulting architectural design has been significantly improved.

However, in spring 2014 several local home builders approached the City Manager and the Mayor about their concerns with the costs of meeting the new design standards. They estimated it added \$2,500-\$3,500 per dwelling unit and that those architectural enhancements did not provide any additional benefit to their consumer. The Mayor and City Manager directed the home builders to work with the staff and the Planning Commission to review the concerns and make recommendations to City Council on possible changes. Staff met with representatives from Hayden Homes, Pahlisch Homes, and the Central Oregon Builders Association (COBA) several times and participated in three work sessions with the Planning Commission (April 21st, May 19th, and June 16th). The Planning Commission hosted a public hearing on July 7, 2014 to consider the proposed amendments.

Since staff received the request by the home builders to revise the standards and a newspaper article written in the Bend Bulletin about the effort, staff has heard from several members of the community that they do not support the changes and want to retain the higher design standards for residential housing and fence designs. One letter to the editor of the Bend Bulletin stated support for Hayden Homes.

Discussion:

The home builders had four areas of concern with the design standards: 1) Screening of Mechanical Equipment and Trash Storage Areas; 2) Repetition of Homes; 3) Wall Design; and 4) Fencing. Staff considered the requests and made its own recommendations for changes for Planning Commission to consider. The Planning Commission deliberated on both recommendations and provided their direction on each issue. The Planning Commission hosted a public hearing on July 7, 2014, and at that time voted unanimously to recommend the attached proposed text amendments to the Redmond City Council for consideration. (Please see Attachment A for the draft text amendments). A representative from Central Oregon Builders Association and Hayden Homes testified at the meeting.

The four issues were:

1. Screening of Mechanical Equipment & Trash Storage Areas: The builders contend the requirement to screen these areas is an unnecessary added cost, as they typically are not very visible located between homes and setback from the front façade by at least 20' and their chosen manner of compliance has been with a cheap, plastic covering that will not likely stand up over time. Their request was to allow landscaping as an option to screen.

Analysis/Considerations: Staff agreed landscaping that is a minimum of three (3) feet in height would be an adequate screening of these facilities. The Planning Commission generally was in favor of this direction.

2. Repetition of Homes: The builders stated the provision in the design standards to "discourage the appearance of tract like housing" by requiring minimum spacing between homes with the same or very similar design and floor plans made it difficult for them to be able to offer popular floor plans to their customers in close proximity to each other. Thus, the builders requested that the minimum separation between the same front facades be reduced from two lots to one lot and more flexibility be permitted as to what constitutes not being considered "very similar design", as they say it is currently vague and difficult to predict.

Analysis/Considerations: Staff responded with recommending the deletion of the code language precluding the repetition of the same floor plan – as regulating the inside of the house was not the intention - and that language be added allowing the Community Development Director the ability to interpret what does and does not constitute the same or very similar

Attachments:

Attachment A: Ordinance No. 2014-14

design. Staff was not comfortable with reducing the minimum separation standards between the same exterior home designs as it is an important tool in providing a varied and interesting streetscape. The Planning Commission generally was in favor of staff's position.

3. Wall Design: The builders requested that the required number of for walls elements for the front façade be reduced from its current 5 down to 4; that the side and rear walls be reduced from 4 to 2; that several new wall elements be added to the menu (such as lap siding and minimum fenestration) and to allow wall elements that are visible from the front, side or rear to count towards the requirement even though they may be attached to a different wall. Their primary contention was that side elevations are not very visible from the street and therefore shouldn't be required to add as many features.

Analysis/Considerations: Staff was not supportive of reducing the standards on front facades and other public facing facades (i.e. those facing a public street or public park), but was open to reducing the standards on the sides if they were not very visible. The recommendation from Staff, which was shared by the builders, was that facades not directly facing public areas and side-facing facades on homes less than 10 feet apart from each other not be required to provide any additional wall elements above and beyond what is typically provided.

The Planning Commission was not supportive of this recommendation and some Commissioners mentioned they were more concerned with the possibility of mirror image side facing facades, but ultimately decided not to change the wall element standard - citing too many differing Commissioner opinions to reach consensus. Their recommendation, therefore, is for the current code language on wall design to remain as is.

4. Fencing: Citing the costs of providing masonry columns every 16 feet along a fence, the builders requested alternatives to masonry be allowed, such as wood columns, and that the requirements only apply to collector and arterial streets, not local subdivision streets. Additionally, the builders recommended that:

- a. Columns be required at each property corner and be a minimum of 12" x 12" to provide some shadowing and vertical and horizontal relief to the long expanses of fences.
- b. Smaller columns a minimum of 5" wide square be installed every 8 feet for further visual interest and relief.
- c. The columns only be required on fences longer than 160 feet.

Analysis/Considerations: Staff agreed that more affordable types of fencing adornment, such as wood, should be considered, as long as they are aesthetically pleasing and meet the intent of the design standards. Further, staff supported the builder's recommendations for the specifications of the columns, but felt that they must also apply to local subdivision streets and be provided more frequently than every 160 feet. Planning Commission was generally supportive of staff's recommendation.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on July 15, 2014 and three copies of the ordinance were available for review at City Hall.

Fiscal Impact:

There is no fiscal impact for this amendment to the Development Code.

Alternative Courses of Action:

1. Vote to approve Ordinance No. 2014-14.
2. Request additional information.
3. Vote not to approve Ordinance No. 2014-14.

Attachments:

Attachment A: Ordinance No. 2014-14

Recommendation/Suggested Motion:

“I move to have a first and second reading of Ord. #2014-14, by title only.” (Voice vote)

(City Attorney will read ordinance by title only, twice.)

“I move to approve Ord. #2014-14.” (Roll call vote)

Scott Woodford,
Associate Planner

Heather Richards
Community Development Director

Attachments:

Attachment A: Ordinance No. 2014-14

**CITY OF REDMOND
ORDINANCE NO. 2014-14**

AN ORDINANCE AMENDING THE REDMOND CITY CODE CHAPTER 8, ARTICLE I, ZONING STANDARDS, SECTION 8.0141 (ARCHITECTURAL DESIGN STANDARDS FOR SINGLE-FAMILY DWELLINGS AND DUPLEXES) AND SECTION 8.0340 (FENCING).

WHEREAS, the City of Redmond has adopted zoning and planning regulations in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

WHEREAS, the City of Redmond City Council has an adopted set of goals that include: “Enhance the quality of life in the City through the adoption of programs, policies and standards that balance growth while maintaining the city’s unique character; Promote quality development; Continue to incorporate the Great Neighborhood Principles in both new development and infill development”; and

WHEREAS, the City of Redmond Comprehensive Plan has several goals and policies relative to community design, including, “Allow for a variety of housing options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Redmond residents; Establish residential neighborhoods that are safe, convenient, and attractive places to live, which are located close to schools, services, parks, shopping and employment centers; New developments in existing residential areas shall be compatible with surrounding developments, including landscaping, visual impact, architectural styles and lighting, and their appearance should enhance the area”; and

WHEREAS, the Redmond Urban Area Planning Commission held a public hearing on July 7, 2014 and, after reviewing the record and gathering public testimony, has recommended that the Redmond City Council adopt the Development Code Amendments to Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fencing), as set forth in Exhibit A; and

WHEREAS, the Redmond City Council held a public hearing on July 22, 2014 to consider the recommendation of the Redmond Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

WHEREAS, the City Council has received the Planning Commission’s recommendation and, after receiving additional evidence and testimony, determined that the requested Development Code amendments would contribute to the Redmond Comprehensive Plan Goals and Policies for Residential Compatibility and New Residential Development; and

WHEREAS, the City Council finds that the findings for the adoption of the Amendments to Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fencing), have fully addressed the City’s Comprehensive Plan, the applicable state law, the Statewide Planning Goals and the City’s standards and criteria for an amendment to the Redmond Development Code; and,

WHEREAS, the City Council finds that the attached code amendments are necessary to further these interests.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: The City of Redmond hereby amends the Redmond City Code, Amendments to Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fencing). The amendments and adopted text are attached hereto as "Exhibit A."

SECTION TWO: In support of the Development Code text amendments in Section One, the City of Redmond hereby adopts the findings which are attached hereto as "Exhibit B" which were prepared by City staff and demonstrate compliance with the Redmond Development Code, Section 8.0760 – Criteria for Amendments, the City's Comprehensive Plan, and the applicable Statewide Planning Goals.

SECTION THREE: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

PASSED by the City Council and **APPROVED** by the Mayor this 22nd day of July, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

Exhibit A: Article I, Zoning Standards – Development Code Amendments

Proposed Development Code Amendment – Architectural Design Standards and Fencing Standards

City of Redmond Development Code, Chapter 8, Article I, Zoning Standards, Section 8.0141 and 8.0340 (new code highlighted in red text and removed text shown in strikethrough).

8.0141.5.A Screening of Mechanical Equipment and Trash Storage Areas. All exterior ground mounted mechanical equipment areas, shall be entirely screened from view in perpetuity on all sides at the ground/eye level line of sight by either utilizing a sight obscuring fence or wall, with such fences or walls being maintained in perpetuity or sight obscuring landscaping at least three (3) feet in height at installation. Solar power, wind power, satellite dish or other equipment necessitating placement on walls or roofs for normal operation are exempt from this provision, excluding all HVAC equipment.

8.0141.5.B.1. Architectural Design. In order to discourage the appearance of tract-type housing, a separation by at least ~~three (3)~~ two (2) lots on either side, and directly across the street ~~by 2 lots in each direction~~ is required for single family dwellings and duplexes with the same or very similar design when viewed from the street frontages. The same or very similar designs are those which consist merely of mirror image elevations ~~floor plans~~, or exterior elevations of the same basic design which utilize different colors, materials or ornamentation. ~~The Community Development Director or designee shall be allowed to interpret what constitutes the same or very similar designs.~~

8.0340 Fences. All fences constructed after the time of the adoption of this ordinance (~~Ord #2013-04, 05/14/2013~~ ~~Insert new Ordinance #_____~~) shall comply with the following standards. For the purpose of these standards fences refers to fences, lattice work, screens or walls (other than a retaining wall). The intent of these standards is to ensure that fencing contributes positively to the appearance of the community, and that the scale, location, and appearance of fencing does not adversely affect adjacent or nearby properties or public safety.

1. On all properties one (1) acre or less in size, in all Residential Zones (including residential uses in the C-2 Zone and in the Downtown Overlay District) and the Urban Holding Zone, all fences shall be developed to the following standards:

- A. Fences abutting a local public street shall comply with the following:
1. Fences in front yards, and in that portion of side yards extending from the front property line to the front façade of the dwelling, shall be a maximum of 3½ feet tall and ~~constructed of wood, vinyl or wrought iron only. Chain link fences are not permitted.~~
 2. ~~On corner lots, only one front yard restriction is applied relative to~~

the 3 ½ feet fence height restriction, in which case, the fence along the non-front yard designated side may be up to 6 feet tall from the front facade of the house back to the rear property line (see fence example in Figure 1).

3. Fences in that portion of side yards extending from the front façade of the dwelling to the rear property line, and all rear yards, shall be a maximum of 6 feet tall and constructed of wood, vinyl or wrought iron only. Chain link fences are not permitted.
 4. Fences located in side and rear yards shall incorporate other architectural elements columns consisting of materials such as stone, brick, rock, wood or other similar products, at each property corner along the fence that abuts the street. every 16' in length (See: Examples). The columns shall be a minimum of 12" x 12" in size.
 5. Fences shall be constructed of wood, vinyl or wrought iron. Chain link fences are not permitted. Other types of fences (allowed to the 6 foot height limit) may be approved by and at the discretion of the Community Development Director subject to compliance with the intent statement above.
 6. Fences in side or rear yards which abut an alley shall be allowed to be 8 feet in height. (Note: the Oregon State Building Code – as defined in State Statute – indicates that fences in excess of 6 feet in height require a building permit, and may need to be professionally engineered).
 7. Fences which encroach into the public right-of-way shall be treated as a nuisance and shall be subject to enforcement pursuant to Section 8.0805 of the City of Redmond Development Code.
- B. Fences abutting a collector or arterial street shall comply with the following:
1. In addition to the requirements for fences abutting a local street, fences located in side and rear yards that abut a collector or arterial public street shall in addition incorporate a minimum 5" wide square column every eight (8) feet along the fence with a cap added to the top of each column that is a minimum of a 1/2" larger in each direction and a minimum of 1" in height.
- C. Fences not abutting a public street shall comply with the following:
1. Fences located in the side or rear yards shall not exceed 8 feet in height. (Note: the Oregon State Building Code – as defined in State Statute – indicates that fences in excess of 6 feet in height require a building permit, and may need to be professionally engineered).
- D. No fence in any residential zone, except as exempted by Section 8.0340(5) below, shall be constructed with barbed wire, razor wire, or similar apparatus.

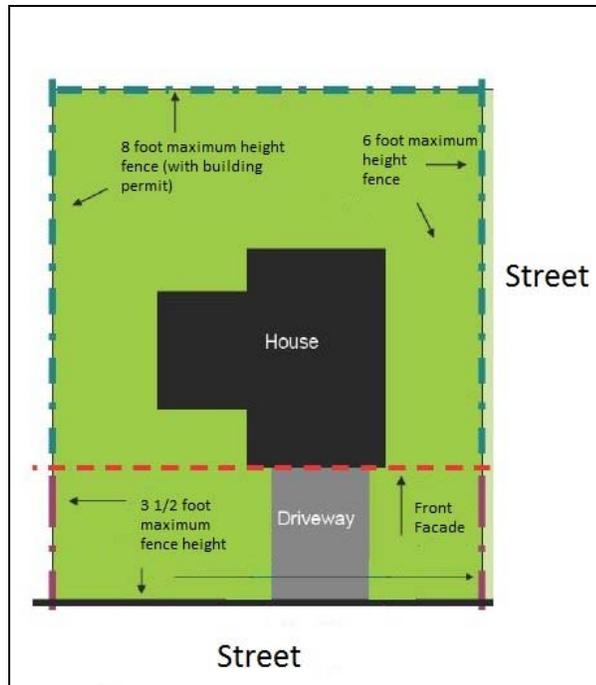


Figure 1 Corner Lot Fence Example

2. In all Commercial Zones (except for the C-2, Central Business District Zone and the Mixed Use Zones), the PF-Public Facility Zone, the Park Zone, and in any Industrial Zone, all fences shall be developed to the following standards:
 - A. The maximum height of a fence shall not exceed 8 feet. (Note: the International Building Code indicates that fences in excess of 6 feet in height require a building permit, and may need to be professionally engineered).
3. For any development undergoing land use review, any wood or vinyl fence bordering a street shall incorporate ~~other architectural elements such as stone, brick, rock, or similar products every 16' in length~~ (See: Examples). **in accordance with Section 8.0340 1.A.4 and/or 1.B.1 herein.**
4. All fences, regardless of zone or location, shall comply with the following requirements:
 - A. Fences fronting public streets shall provide one gate, opening, or other site access for emergency services use. For corner lots, only one opening along either the front or side yard frontage is required.
 - B. Fences shall not block the clear vision area and shall comply with the standards in RDC Section 8.0305.
 - C. Fences shall be constructed on private property, and shall not be located in public rights-of-way.
 - D. Fences shall be comprised of wood, vinyl, metal or other solid material that is able to be painted and/or maintained in structurally sound condition. All fences shall be maintained in a structurally sound condition and be free from exposed nails, screws, loose members, decaying materials or other similar conditions that can pose a hazard.

5. The following fences shall be exempt from the standards set forth herein, except for the requirement to comply with the clear vision standards in the RDC Section 8.0305, as listed in Section 8.0340(4)(B) above:
- A. Any security fencing around a public or quasi-public utility or entity including the Airport perimeter.
 - B. Fences related to a park or school use including (but not necessarily limited to) tennis courts, driving ranges and ball fields.
 - C. Fences necessary for compliance with any documented Federal or State mandated requirements (i.e. Homeland Security requirements)
 - D. Any fence exempted under (5)(A and B) herein that is in excess of 20 feet in height shall require conditional use permit review and approval, and a public hearing.

Examples:



(Added photo)

**Exhibit B
(Development Code Amendment – Article I, Zoning Standards),
Architectural Design Standards for Single Family Dwellings and
Duplexes and Fence Standards**

Findings for Development Code Amendments to amend Chapter 8, Article I – Zoning Standards, of the Redmond Development Code, Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fencing)

Prepared by Scott Woodford,
Associate Planner
City of Redmond

July, 2014

**FINDINGS OF THE REDMOND CITY COUNCIL
REGARDING TA-14-5, AMENDMENTS TO THE REDMOND CITY CODE CHAPTER 8,
ARTICLE I, ZONING STANDARDS, SECTION 8.0141 (ARCHITECTURAL DESIGN
STANDARDS FOR SINGLE-FAMILY DWELLINGS AND DUPLEXES) AND SECTION
8.0340 (FENCING)**

**AN AMENDMENT TO THE TEXT OF THE REDMOND DEVELOPMENT CODE TO
REVISE THE STANDARDS FOR ARCHITECTURAL DESIGN FOR SINGLE-FAMILY
DWELLINGS AND DUPLEXES AND FENCES**

FILE NO. TA-14-5

REQUEST: A Legislative Amendment to Chapter 8, Article 1 Zoning Standards, Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fences) of the City of Redmond Development Code

APPLICANT: City of Redmond, 716 SW Evergreen Avenue, P O Box 726 Redmond, OR 97756

LOCATION: The architectural design standard portion of the text amendment applies to all single family dwellings and duplexes properties within the City of Redmond and the fence standard portion applies to all properties one (1) acre or less in size, in all Residential Zones (including residential uses in the C-2 Zone and in the Downtown Overlay District) and the Urban Holding Zone

STAFF: Scott Woodford, Associate Planner

**HEARINGS
BODY:** Redmond City Council
Redmond Urban Area Planning Commission

DATE & TIME: July 7, 2014 at 7:00 pm, Redmond Urban Area Planning Commission
July 22, 2014 at 7:00 pm, Redmond City Council

LOCATION: City Council Chambers, 777 Deschutes Avenue, Redmond, Oregon

I. APPLICABLE CODE SECTIONS AND CRITERIA:

The following are the applicable code sections from Chapter 8 of the Redmond Development Code that are applicable to this proposed code amendment:

- Article I, Zoning Standards, Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fencing)

The following are provisions from the Redmond Urban Area Comprehensive Plan that are applicable to this proposed code amendment:

- Chapter 1 – Citizen Involvement
- Chapter 2 - Land Use Planning
- Chapter 10 - Housing

The following are other criteria that are applicable to this proposed code amendment:

- Oregon Revised Statutes (ORS) – ORS 197.250, 197.610, 197.763.
- Oregon Administrative Rule (OAR), LCDC, Division 15, Statewide Planning Goals and Guidelines – OAR 660-015-0000 (as applicable)

The following criteria are not applicable to the proposed code amendment:

Oregon Administrative Rule (OAR), LCDC, Division 12, Statewide Planning Goals and Guidelines – OAR 660-012-0000 (specifically OAR 660-012-0060) is not applicable because the proposal does not include any changes to the allowable uses that would affect the number of trips or functional classifications of roads/streets in Redmond. The proposal is limited to clarifying the code enforcement procedures.

II. BACKGROUND & HISTORY:

On May 14, 2013, the City of Redmond adopted Architectural Design Standards for Single-Family Dwellings and Duplexes. The purpose for the standards was to respond to community concern about the quality of residential development built in the City in the past decade noting that there was too much repetition of the same home designs and not enough architectural interest added to the houses. The concern in the community was that this lack of architectural quality was diminishing the perception of Redmond as a great place to live and work.

The design standards have been in place for about one year and there have been multiple homes built to the new standards. Recently, several local home builders - Hayden Homes, Pahlisch Homes, and a representative with the Central Oregon Builders Association - approached the City about their concerns with several aspects of the design standards. They had four areas of concern: 1) Screening of Mechanical Equipment and Trash Storage Areas; 2) Repetition of Homes Limitations; 3) Wall Design; and 4) Fencing. Their overriding concern was that the new standards were adding additional costs to each dwelling unit and that those architectural enhancements were not providing any additional benefit to their consumer.

The builders, who submitted a list of proposed changes to make the standards more appealing to them, were directed to work with the staff and the Planning Commission to review the concerns and make recommendations to City Council on possible changes. Subsequent to that, staff met with the builders several times in meetings at the City and participated in three work sessions with the Planning Commission (April 21, 2014, May 19, 2014, and June 16, 2014). The outcomes of those work sessions are a series of proposed code amendments to Section 8.0141 and Section 8.0340. The Planning Commission held a public hearing on July 7, 2014 to review the code amendments and voted unanimously to recommend approval of them to the Redmond City Council for consideration.

The proposed Development Code Text Amendments were initiated legislatively by the City of Redmond – thus, the City is the applicant. The rationale for the adoption of the proposed text amendments is consistent with the Oregon Land Use Goals, the City of Redmond Comprehensive Plan, and the Redmond City Council goals.

III. PROPOSAL:

The request is for a Legislative Amendment to the Redmond Development Code, Articles I, Zoning Standards to revise/add standards related to architectural requirements for single family dwellings and duplexes and new fences. The proposal includes the following changes (the Planning Commission elected not to act on the proposal to modify the Wall Element section):

1. Section 8.0141.5.A: Screening of Mechanical Equipment & Trash Storage Areas: Revise the standards to allow landscape screening of exterior ground mounted mechanical equipment areas as an alternative to a site obscuring wall or fence. The landscaping must be a minimum of three (3) feet in height.
2. Section 8.0141.5.B.1 Architectural Design: Revise the standards to remove the restriction on repeating the same or very similar floor plans in homes adjacent to each other and add a provision to allow the Community Development Director to determine what constitutes the same or very similar design.
3. Section 8.0340 Fences: Revise the standards to:
 - a. Require residential uses in the C-2 Zone and Downtown Overlay District to comply with the fencing requirements.
 - b. Require that fences abutting local streets provide a minimum of 12" x 12" columns at each property corner to improve the appearance of fences by providing shadowing and vertical and horizontal relief.
 - c. Require fences that abut a collector or arterial street provide minimum 5" x 5" columns every 8 feet, in addition to the 12" x 12" columns at each property corner.
 - d. Allow columns to be constructed of wood in addition to masonry.

IV. AREA DESCRIPTION:

The architectural design standard portion of the text amendment applies to all single family dwellings and duplexes properties within the City of Redmond and the fence standard portion applies to all properties one (1) acre or less in size, in all Residential

Zones (including residential uses in the C-2 Zone and in the Downtown Overlay District) and the Urban Holding Zone.

V. EXHIBITS:

The following exhibits make up the record in this matter:

1. Proposed Findings and Conclusions included herein.
2. The existing and proposed text of:
 - Article I, Zoning Standards, Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fences)
3. Notice to Department of Land Conservation and Development (DLCD)
4. Notice of Planning Commission Public Hearing “Spokesman- Publish June 25, 2014” (file).
5. Notice of City Council Public Hearing “Bulletin- Publish July 11, 2014” (file).
6. Planning Commission Work Session/Public Hearing Staff Reports.
7. Public testimony received – none received.
8. City Council Public Hearing Staff Reports.

VI. SUMMARY:

1. The request is for an amendment to the text of the City of Redmond Development Code to Article I, Zoning Standards, Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fences).
2. The architectural design standard portion of the text amendment applies to all single family dwellings and duplexes properties within the City of Redmond and the fence standard portion applies to all properties one (1) acre or less in size, in all Residential Zones (including residential uses in the C-2 Zone and in the Downtown Overlay District) and the Urban Holding Zone – no amendments to the Comprehensive Plan text or map, and Zoning map are proposed.
3. The findings, the text for the enforcement standards, and supporting materials, all demonstrate that the proposed Development Code amendments are consistent with the Statewide Planning Goals, the Redmond Comprehensive Plan, the City Council Goals and other policies adopted by the City.
4. The four criteria set forth in RDC Section 8.0760 (Criteria for Amendments) are addressed herein/below, as well as all applicable state laws and requirements.

VII. FINDINGS AND CONCLUSIONS:

A. REDMOND DEVELOPMENT CODE (RDC), Chapter 8, Sections 8.0750 through 8.0775 (Amendments) sets forth the procedure and standards for an amendment to the text of the Code or to the adopted Comprehensive Plan or Zoning map. Specifically, Section 8.0760 - Criteria for Amendments, sets forth the four (4) criteria that must be met:

1. In conformity with all applicable State statutes:

Finding: The State statutes that directly apply to this application include:

1. ORS 197.610, *Local Government Notice of Amendment or New Regulation*
2. ORS 197.250, *Compliance with Goals Required*
3. ORS 197.763, *Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements.*

The applicable City of Redmond Code standards (sections 8.0750 to 8.0775, *Amendment Procedures and Notice Requirements*), and (sections 8.1100 through 8.1125, *Legislative Procedures*), were developed in compliance with the applicable State Statutes listed above regarding noticing and public hearings. Applicability of the Statewide Planning Goals is addressed in greater detail below – those findings, incorporated by reference herein, show compliance with the applicable Statutes listed above.

With regard to the Statutory noticing requirements referenced above, notice of the proposed amendment has been provided to DLCDC and advertised in the local newspaper (public notice) as required by City Code and State Statute.

With regard to the Statutory public hearing requirements referenced above, this proposal is legislative and not necessarily quasi-judicial in nature. However, for lack of specific Statutory requirements governing such legislative actions, Sections 8.1100 through 8.1125 of the Redmond Development Code, which implement the quasi-judicial Statutory requirements in similar fashion have been met. Subsequently, the Planning Commission and City Council's public hearing and review processes meet the Statutory requirements for the purpose of the review.

Notwithstanding the Statutory requirements addressed herein, the Oregon Administrative Rules (OAR) also implement the Statutes. The applicable Rules are addressed in the ensuing review.

Conclusion: Based on the findings addressing Code amendment criterion 1, the proposed Development Code text amendments conforms to applicable State statutes.

2. In conformity with the State-wide planning goals whenever they are determined to be applicable:

Goal 1- Oregon's Statewide Planning Goals: Citizen Involvement.
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The Urban Area Planning Commission serves as the City's formal citizen advisory committee to fulfill Goal 1 and is made up of Redmond area residents. The City conducted public meetings (Planning Commission work sessions and a public hearing) over the past few months regarding the proposal.

Public notices and agendas for Planning Commission meetings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, public notice advertising the public

hearing was published in the local newspapers, the Redmond Spokesman and Bend Bulletin.

The City continually provided extensive public review and involvement opportunities during public work sessions and public hearings both at the Planning Commission level and City Council level as deemed necessary by such bodies.

Conclusion: Based on these actions, Oregon Planning Goal 1 for Citizen Involvement has been met.

Goal 2- Oregon's Statewide Planning Goals: Land Use Planning.

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

Finding: Through the course of review, the staff, the Redmond Urban Area Planning Commission and the Redmond City Council has received input from other City staff and residents of the community. The City Council has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer.

Conclusion: Based on these findings, the proposed amendments meet Goal 2.

Goal 10- Oregon's Statewide Planning Goals: Housing.

To provide for the housing needs of citizens of the state.

Finding: The proposed text will implement the City of Redmond Comprehensive Plan by continuing to allow for the housing needs of the citizens of Redmond, while providing flexibility to home builders in meeting the goal of improving residential design. The proposal includes changes to the design elements for single family and duplex residences, and associated fences – all of which implement the Great Neighborhood Principles. The resulting development will provide more desirable residential designs, and a more viable and livable product for the community – resulting in greater conformance with other Statewide Planning Goals. Overall, by amending the Development Code as proposed, the City will still be encouraging residential development that is desirable and meets the housing needs of its citizens.

Conclusion: Based on these findings, the proposed amendments are in conformance with Goal 10.

3. In conformity with the Redmond Comprehensive Plan, land use requirements and policies:

Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The Urban Area Planning Commission serves as the City's formal citizen advisory committee (as required by State Administrative Rule) and is made up of Redmond area residents. The Planning Commission is formally recognized through City Code and was appointed by the City Council. Thus, the Planning Commission is the appropriate public review and recommendation body to the City to meet this Comprehensive Plan policy.

The City, through the Planning Commission, has conducted initial public meetings, and a public hearing over the past few months regarding the proposed amendments. Public notices and agendas for Planning Commission meetings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, a notice of the public hearing was published in a local newspaper, either the Redmond Spokesman or Bend Bulletin. The City has continually provided extensive public review and involvement opportunities during public work sessions and public hearings both at the Planning Commission and City Council levels as deemed necessary by such bodies.

The proposed amendments serve the following Policies of Chapter 1 of the Redmond Comprehensive Plan.

1. The City shall establish a citizen involvement program to provide for widespread citizen involvement.
2. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
3. The City shall assign the Redmond Urban Area Planning Commission as its officially recognized committee for citizen involvement (CCI).
4. The City shall establish mechanisms to assure two-way communications between citizens and elected and appointed officials.
5. The City shall provide the opportunity for citizens to be involved in all phases of the planning process.
6. The City shall assure that technical information is available to citizens in an understandable form.
7. The City shall assure that recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers.
8. The City shall allocate adequate human, financial and informational resources for the citizen involvement program.

Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.

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

Finding: The Planning Commission, City Council, and staff have provided

opportunities for and have received public input throughout the review process. Based on this input, the City Council finds that the proposed amendments are necessary to implement Chapters 1 and 2 of the City of Redmond's Comprehensive Plan, specifically, and other Chapters. The City Council has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer.

The proposed amendments serve the following Policies of Chapter 2 of the Redmond Comprehensive Plan.

2. The plan shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governments.
3. All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.
4. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revisions of plans and implementing ordinances
5. To provide a sound basis for orderly and efficient urbanization by establishing proper relationships between residential, commercial, industrial, public and open land uses, and transportation uses.

Chapter 10 – Redmond Comprehensive Plan: Housing.

Finding: The proposed text amendments will not have a direct effect on the type or density of housing allowed in Redmond. However, the amendments will provide clarity and flexibility in implementing the design standards, which ensure that the build out of residential subdivisions with single family homes and duplexes are desirable to residents of the community and of that particular neighborhood. The standards will ensure a base degree of architectural and neighborhood design integrity, but will not limit architectural freedom to develop a multitude of architectural styles and home designs. Overall, by amending the Development Code as proposed, the City will continue to encourage residential development that is desirable and economically viable.

The proposed amendments facilitate further implementation of the following Goals of Chapter 10 of the Redmond Comprehensive Plan.

2. Allow for a variety of housing options at all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Redmond residents.

3. Establish residential neighborhoods that are safe, convenient and attractive places to live, which are located close to schools, services, parks, shopping and employment centers.

The proposed amendments serve the following Policies of Chapter 10 of the Redmond Comprehensive Plan.

Residential Compatibility

1. New developments in existing areas shall be compatible with surrounding developments, including landscaping, visual impact, architectural styles and lighting, and their appearance should enhance the area.

New Residential Development

8. All residential development should protect, to the greatest extent possible, the physical characteristics of the site relating to soils, slope, erosion, drainage, natural features and vegetation.
12. New residential developments in areas without an established character or quality should be permitted maximum flexibility in design and housing type consistent with densities and goals and objectives of this plan, and approved Master Plans.

Density

29. Residential zones should allow for a wide variety of compatible housing types and densities.

Conclusion:

Based on the findings addressing Code amendment criterion 3, the proposed Development Code text amendment conforms with the Redmond Comprehensive Plan, and land use requirements and policies.

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

Finding: This proposal in and of itself does not include a change of zoning to any particular property or area within the City. Rather, it involves the amendment of existing architectural design and fencing standards for single family and duplex residential design – all of which contribute to the overall character and livability of a neighborhood. Thus, this criterion is applicable to the need for addressing the amendments in relation to changes in circumstances/further study justifying the amendment since the existing standards were adopted in 2013 – after one year of implementing the new standards, there are several changes necessary to make the standards easier to implement and provide more flexibility in complying with the standards to continue to ensure the development of high quality neighborhoods.

Conclusion:

Based on the findings addressing Code amendment criterion 4, the proposed Development Code text amendment is supported by the change in circumstances described above.

CONCLUSION:

The above findings demonstrate that the proposed Development Code Text Amendments - Section 8.0141 (Architectural Design Standards for Single-Family Dwellings and Duplexes) and Section 8.0340 (Fences) - meet Section 8.0760, Criteria for Amendments, to the Redmond Development Code.



CITY OF REDMOND
Community Development Department

716 SW Evergreen Avenue
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.ci.redmond.or.us

STAFF REPORT

DATE: July 22, 2014
TO: Mayor and Council Members
THROUGH: Keith Witcosky, City Manager
FROM: Heather Richards, Community Development Director
SUBJECT: Public Hearing: Ordinance No. 2014-15, an Ordinance Adopting the City of Redmond Housing and Community Development Consolidated Plan, 2014-2018, and the City of Redmond Annual Action Plan, 2014-2015.

Addresses Council Goal:

6. Community Enhancement – Create an image and identity that generates a sense of community pride, ensures the high quality of life and safety of our citizens, attracts new residents and businesses and facilitates opportunities for success.

Report in Brief:

This is a public hearing to consider Ordinance No. 2014-15 (Attachment A) which adopts the City of Redmond Housing and Community Development Consolidated Plan, 2014-2018, and the City of Redmond Annual Action Plan, 2014-2015.

Background:

On September 27, 2013, the City of Redmond accepted entitlement status in the federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program. The objective of the program is “to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income”, often described nationally as a three-legged stool of housing, neighborhood revitalization and economic development.

Recipient communities receive an annual financial allocation to undertake a wide range of community-based activities directed toward neighborhood revitalization, economic development, and community services, facilities, and improvements. Entitlement communities develop their own programs and set their own funding priorities in conformance with the statutory standards, program regulations and other federal regulations. The City of Redmond’s anticipated allocation for FY 2014/15 is \$190,027.

Each CDBG activity must meet one of three national objectives: benefit low- and moderate- income persons (LMI Area Benefit, LMI Limited Clientele, and LMI Jobs), aid in the prevention or elimination of slums or blight (urban renewal areas qualify); or meet other community development needs having a particular urgency that the grantee is unable to finance on its own.

Attachments:

Attachment A: Ordinance No. 2014-15
Attachment B: Summary of 2014/15 City of Redmond CDBG Annual Action Plan

There are six planning phases in a CDBG program: 1) determine needs; 2) set priorities; 3) determine resources; 4) set goals; 5) administer the program; and 6) evaluate performance. These are achieved through a Consolidated Planning Process, Action Plan and Consolidated Action Plan Evaluation Report (CAPER).

The Consolidated Plan is an assessment, prioritization and funding strategy to address community needs. The Consolidated Plan establishes a 3 – 5 year strategic plan for the program. Every year an annual Action Plan describing how the City will distribute their annual allocation of funds is developed and implemented.

Discussion:

On March 11, 2014, the Mayor appointed the following community volunteers to form a CDBG Advisory Task Force to develop the Consolidated Plan and 2014/2015 Annual Action Plan.

1. Redmond City Council – Ginny McPherson, Chair of the Task Force
2. Redmond Police Department – Chief Dave Tarbet
3. Redmond School District – Martha Hinman
4. NeighborImpact staff – Katie McDonald, Data & Operations Specialist
5. Resident/NeighborImpact consumer – Andrus Soper
6. Housing Works – Geoff Wall
7. Redmond Senior Council -- Donna Cox
8. Central Oregon Disability Support Network – Dianna Hansen
9. Small Business Development Center - Steven Curley
10. Latino Community Association – Brad Porterfield
11. Central Oregon Homeless Leadership Coalition - Kenny LaPoint
12. Resident/At-Large – Solomon Kaleialoha
13. Resident/Planning Commission – Anne Graham
14. Resident/Real Estate Broker – Diana Barker

Expenditure of CDBG funds is highly regulated and formulaic. 70% of all funds are required to be spent in a manner that benefits low and moderate income residents in the community. A maximum of 15% of funds can be spent on public services. A maximum of 20% of funds can be spent on administration and planning efforts.

For planning purposes it was assumed that future allocations for the next four years will be similar to the 14/15 allocation of \$190,027.

The task force held seven meetings over the course of four months to conduct a needs assessment, discuss goals and strategies and develop a five-year Consolidated Plan. At each meeting they reviewed empirical data and hosted focus group discussions with partner agencies and service providers to assess needs for Housing, Economic Development, Homelessness, Public Services and Public Facilities. At the end of the needs assessment, it was clear to the group that affordable housing supply was a critical issue in Redmond. Job creation, workforce development and public services were also identified as critical issues. The recommendation of the task force is to focus on three primary goals and to distribute the grant funds over the next five years into those goals in the following priority.

Provide decent affordable housing and work towards homeless prevention	50% of allocation over the next five years.
Increase economic opportunities	15% of allocation over the next five years.
Support agencies that provide public services serving low and moderate income residents.	15% of allocation over the next five years.
Administration and Planning	20% of allocation over the next five years.

Attachments:

- Attachment A: Ordinance No. 2014-15
- Attachment B: Summary of 2014/15 City of Redmond CDBG Annual Action Plan

Since the City of Redmond is a new grantee there are two additional bodies of work that require completion in the first year to maintain our compliance: Fair Housing Plan and ADA Transition Plan. Since they are both planning endeavors they need to be included in the 20% Administration allocation.

The Consolidated Plan and Annual Action Plan are both generated in the Housing and Urban Development (HUD) IDIS software program. The City of Redmond's data sets, maps and formatting have been an issue in this program, so formatting and maps are still being refined.

The Consolidated Plan and Annual Action Plan were made available for review and comments on June 20, 2014. A public open house was conducted on July 10, 2014, and a City Council work session was held July 15, 2014. Based on input received during the City Council work session and feedback from HUD representatives the ADA Transition Plan which was originally an individually funded activity will need to be funded within the administration allocation. Thus an additional \$25,000 was added to "Provide decent affordable housing and work toward homeless prevention." A synopsis of the Annual Action Plan for 2014-2015 is included as Attachment B.

In the fall of 2014 a Request for Proposals and selection process for projects will be conducted for qualifying projects for the Annual Action Plan activities.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on July 16, 2014 and three copies of the ordinance were available for review at City Hall.

Fiscal Impact:

Since the ADA Transition Plan will not be funded as a separate activity, the cost for conducting that plan will need to be absorbed by the City of Redmond.

Alternative Courses of Action:

Due to the activity amendment in the Annual Action Plan and continued refinements of the Consolidated Plan per HUD direction, staff recommends opening and continuing the public hearing to August 5, 2014, which will extend the public comment period.

Recommendation/Suggested Motion:

A motion is not recommended at this time. The recommendation is to open and continue the public hearing to August 5, 2014.

Heather Richards
Community Development Director

Attachments:

Attachment A: Ordinance No. 2014-15

Attachment B: Summary of 2014/15 City of Redmond CDBG Annual Action Plan

**CITY OF REDMOND
ORDINANCE NO. 2014-15**

AN ORDINANCE ADOPTING THE 2014-2018 REDMOND CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT AND THE REDMOND ANNUAL ACTION PLAN 2014-2015 AND AUTHORIZING THE SUBMISSION OF THE CONSOLIDATED PLAN AND ANNUAL ACTION PLAN TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) requires local governments seeking federal assistance through the Community Development Block Grant (“CDBG”), to develop a Consolidated Plan for Housing and Community Development; and

WHEREAS, the City of Redmond is eligible for the Community Development Block Grant entitlement program; and

WHEREAS, the 2014-2018 Redmond Consolidated Plan for Housing and Community Development is a five year plan developed and recommended to the Redmond City Council by the Community Development Block Grant Task Force appointed by the Mayor on March 11, 2014; and

WHEREAS, the 2014-2018 Redmond Consolidated Plan for Housing and Community Development was prepared in accordance with federal regulations regarding citizen participation and in consultation with a variety of public and private agencies and concerned individuals; and

WHEREAS, the Consolidated Plan includes a Needs Assessment, a Housing Market Analysis, a Strategic Plan for meeting priority needs, and an Annual Action Plan for 2014-2015 for the expenditure of CDBG funds; and

WHEREAS, the public comment period for the initial draft of the proposed 2014-2018 Consolidated Plan began on June 20, 2014, and a public hearing was held on July 22, 2014, and August 5, 2014.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: The City of Redmond hereby adopts the 2014-2018 Redmond Consolidated Plan for Housing and Community Development including the Redmond Annual Action 2014-2015 (Plan), attached hereto as Exhibit A, and the Redmond City Council authorizes the submission of the Plan to the Department of Housing and Urban Development; and

SECTION TWO: That substantial amendments to the Consolidated Plan, as defined in the City of Redmond Housing and Community Development Citizen Participation Plan, and annual updates may be approved by Resolution adopted by the Redmond City Council; and

SECTION THREE: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

PASSED by the City Council and **APPROVED** by the Mayor this 5th day of August 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

Exhibit A:

The 2014-2018 City of Redmond Consolidated Plan for Housing and Community Development and the Annual Action Plan 2014-2015 can be found on the City of Redmond website at www.ci.redmond.or.us/government/departments/community-development/community-block-grant-program



CITY OF REDMOND
Public Works Department
Environmental Programs Division

243 E. Antler Ave
Redmond, OR 97756

(541) 504-5070
Fax: (541) 923-2754
info@ci.redmond.or.us
www.ci.redmond.or.us

STAFF REPORT

DATE: July 22, 2014
TO: Mayor and City Council
THROUGH: Keith Witcosky, City Manager
THROUGH: Bill Duerden, Public Works Director
FROM: Larry Morse, Environmental Programs Division Manager
SUBJECT: Ordinance No. 2014-13: Redmond City Code Amendments, Sections 4.200 – 4.280

Addresses Council Goal:

Goal #1(A)2 Provide the quality of the City water and wastewater operations to the extent necessary to meet public health standards..

Report in Brief:

This is a public hearing to consider Ordinance No. 2014-13 amending the Redmond City Code Sections 4.200 through 4.280. (Exhibit A)

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on July 15, 2014, and three copies of the ordinance were available for review at City Hall.

Background:

On February 14, 2013, the Oregon Department of Environmental Quality issued the City a Water Pollution Control Facility (WPCF) permit. This permit authorizes the City to operate its Underground Injection Control (UIC) facilities, including approximately 1710 drywells and drill holes, which provide stormwater drainage for most of the City streets.

Among other requirements, the WPCF permit requires the City to develop and maintain legal authority to implement and enforce the provisions of the permit, within 18 months of permit issuance. This authority includes the following minimum provisions:

- Implement the City's Stormwater Monitoring Plan and Underground Injection Control System Management Plan.
- Prohibit discharge to an underground injection system that may cause a violation of the conditions of the permit from publicly or privately owned properties.
- Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the conditions of the permit.

Discussion:

This code addition in Attachment A consists of the following sections:

1. General stormwater drainage provisions, including subsections on word definitions, drainage responsibility, tampering, and reference to the Central Oregon stormwater manual.
2. Regulatory provisions, including subsections on City compliance, other permit compliance, regulatory consistency, allowed discharges, violations, and responsible parties.
3. Stormwater management performance standards, including a subsection on general post-construction performance.
4. Private stormwater system maintenance, including subsections on responsibility, records, agreements, inspections, and failure notification.
5. Illicit discharge controls including subsections on requirements and prohibitions, specific sites, training and notification.
6. Enforcement provisions including administrative penalties, injunctive relief, and nuisance mitigation.

Prior code content in Section 4.2 has been consolidated into Section 4.1 to improve section organization.

Fiscal Impact:

There is no anticipated fiscal impact at this time.

Alternative Courses of Action:

1. Conduct the public hearing and vote to approve Ordinance No. 2014-13.
2. Continue the public hearing to request additional information.
3. Conduct the public hearing and vote not to approve Ordinance No. 2014-13.

Recommendation/Suggested Motion:

"I move to have a first and second reading of Ord. #2014-13, by title only." (Voice vote)

(City Attorney will read ordinance by title only, twice.)

"I move to approve Ord. #2014-13." (Roll call vote)

Larry Morse
Environmental Programs Division Manager

**CITY OF REDMOND
ORDINANCE NO. 2014-13**

AN ORDINANCE TO AMEND CHAPTER 4 OF THE REDMOND CITY CODE – UTILITIES.

The Redmond City Council makes the following findings of fact:

WHEREAS, the City of Redmond operates a stormwater utility, to maintain and operate the City's stormwater infrastructure; and

WHEREAS, the Redmond City Code, Chapter 4, Utilities, provides the administrative rules for establishing and operating utilities; and

WHEREAS, Redmond City Code, Chapter 4, Utilities, does not include provisions for the management of the City owned Stormwater Utility; and

WHEREAS, the City of Redmond was issued an Underground Injection Control system permit by the Oregon Department of Environmental Quality on February 14, 2013; and

WHEREAS, said permit requires the City to establish the legal authority to comply with the terms of the permit within 18 months of the permit issuance.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: The City of Redmond hereby amends the Redmond City Code, Chapter 4, Utilities, per Exhibit A.

SECTION TWO: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

PASSED by the City Council and **APPROVED** by the Mayor this 22nd day of July, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

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Redmond Code

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4.165 Maintenance Requirements.

1. Building and premise owners shall maintain all backflow prevention assemblies and vacuum breakers within the building or on the premises in good working order and make no piping or other arrangements for the purpose of bypassing backflow prevention assemblies.
2. All approved backflow assemblies must be tested by a certified tester when installed, and prior to use when moved, when repaired and at least annually. All costs for testing and repair of backflow assemblies shall be the responsibility of the owner or agent.

[Section 4.165 amended by Ord. #89-05 passed April 25, 1989]

[Section 4.165 amended by Ord. #2001-24 passed October 23, 2001]

METERS

4.200170 Water Meters.

1. Water meters shall be installed at connections to all new structures requiring water service.
2. Water meters shall be installed at connections to existing structures if:
 - A. The structure or underlying property is sold.
 - B. There is an application for a home occupation at the subject property.
3. For the purpose of subsection 2, property is sold if:
 - A. There is a transfer of legal title to the property.
 - B. The property is sold subject to a land sale contract.
 - C. The property is sold at a foreclosure sale or trustee's sale.
4. Property shall not be deemed sold if it is subject to a:
 - A. Lease.
 - B. Recordation of trust deed or mortgage.
 - C. Recordation of a statutory lien or assessment.
5. A. If a structure subject to a sale requires installation of a water meter, the meter shall be installed as soon as possible before the date of the sale. The date of the sale shall be considered the earliest of the following:
 1. The date of execution of a deed transferring title.
 2. The date of execution of a land sale contract.
 3. The date of a foreclosure sale or trustee's sale.
 4. The date of closing.
 B. For all other existing structures, installation shall be made prior to issuance of a business license.
6. The owner is responsible for the costs of installation of a water meter. The installation shall be effected in accordance with this chapter and city water policies.
7. The cost of the installation shall be paid prior to installation.

8. A violation of this section is a Class A civil infraction and/or a Class A administrative infraction. Each day a water meter is not installed following the time allowed for the installation is a separate offense.
9. The Manager or designee may, in addition to the remedies set forth in subsection 8, terminate water service to a structure if it has been sold and a meter has not been installed in accordance with the provisions of this chapter. The Manager or designee shall notify the owner at least five days prior to the termination of service.

[Section 4.200 amended by Ord. #87-08 passed May 26, 1987]

[Section 4.200 amended by Ord. #2014-05 passed April 8, 2014]

[Section 4.200 moved to 4.170 by Ord. 2014-xx passed xxxx]

4.202172 Meters - Installation and Testing. All meters shall be furnished by the City and installed at the expense of the owner. Meters remain the property of the City. The Director of Public Works may, when deemed advisable, place test meters on any service line to determine whether or not meter is in proper working order.

[Section 4.202 moved to 4.172 by Ord. 2014-xx passed xxxx]

4.204174 Meters - Maintenance. If any water meter becomes inoperative or the Director of Public Works believes the meter is not making proper water measurement, the meter shall be promptly repaired or replaced at the discretion of the Director of Public Works or designee. The amount to be paid for water for the term subsequent to the previous monthly reading, and until the meter is placed in proper condition, shall be determined by averaging the amount used for such prior periods, as the Director of Public Works considers will justly reflect the actual current usage. No person shall tamper with, open or interfere with the operation of any meter.

[Section 4.204 moved to 4.174 by Ord. 2014-xx passed xxxx]

STORMWATER

4.200 Definitions

1. Best management practice (BMP) means a technique, activity, maintenance procedure, structural and/or managerial practice, and/or prohibition of a practice that, when used singly or in combination in a designated manner, prevents or reduces the release of pollutants and other adverse impacts to downstream or down-gradient systems.
2. Central Oregon Stormwater Manual (COSM) means the August 2010 version of the stormwater design guidance manual and the City of Redmond special provisions for stormwater design and management.
3. City means the City of Redmond, Oregon, City Manager (or designee), or City Council thereof, each as appropriate to the context in which used.
4. Director means the City of Redmond Public Works Director or designee.
5. Discharge means any addition or introduction of any pollutant, surface runoff, or any other substance whatsoever onto the ground, into the City stormwater system, a dry well, drill hole, or into waters of the State, including groundwater.

6. **Discharger** means any person who causes, allows, permits or is otherwise responsible for a discharge including, without limitation, any operator of a construction site or commercial/industrial facility.
7. **Illicit discharge** means any discharge to a catch basin, drainage inlet, surface water body, swale, infiltration basin or gallery, dry well or drill hole or other stormwater drainage feature that is not composed entirely of stormwater, except conditionally exempt discharges pursuant to a WPCF permit or rule authorization requirement specific to the inlet, discharges resulting from firefighting activities, or other exempt discharges as outlined in Section 4.250.
8. **Illicit drainage connection** means any physical connection to the City stormwater system that conveys nonstormwater discharges that have not been permitted by the Director.
9. **Impervious surface** means a hard surface area that either prevents or retards the entry of water into the soil. Common impervious surfaces include building roofs, walkways, patios, driveways, parking lots, and concrete or asphalt paving.
10. **Infiltration** means the passage of water through the soil surface into the underlying geologic material.
11. **Nonstormwater discharge** means any discharge to a stormwater system or receiving waters that is not entirely composed of stormwater or melted snow and ice.
12. **NOV** means notice of violation.
13. **ODEQ** means Oregon Department of Environmental Quality.
14. **Performance standards** mean provisions of this chapter intended to provide a minimum threshold for controlling stormwater pollution in the subject area, and are used to determine if the requirements of the section have been met.
15. **Pollutant** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, sewage sludge, garbage, munitions, petroleum hydrocarbons, oils and grease, paints, solvents, fertilizers, pesticides, other chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, concrete washout, rock, sand, dirt, industrial, municipal, and agricultural waste discharged into water or soil, and as otherwise defined in 40 CFR 122.2.
16. **Pollution source control plan** means a plan that addresses the prevention and/or control of stormwater pollutants at their source.
17. **Post-construction performance standards** mean measures intended to provide a minimum threshold for controlling stormwater pollution associated with post-construction activity, and are used to determine if the requirements in this chapter have been met.
18. **Predevelopment** means the natural condition before any type of development.
19. **Property** means any lot or parcel of land, or a contiguous combination of lots, parcels and/or easements under the same ownership or unified control.

20. **Redevelopment** means a project for which a building permit is required or that proposes to add, replace and/or alter impervious surfaces, as defined in the COSM and City of Redmond design and development standards, other than routine maintenance, resurfacing, or repair.
21. **Responsible party** means the occupant, lessee, tenant, contract purchaser, owner, agent or other person having possession of property, or if no person is in possession, then the person in control of the use of the property, or in control of the supervision of development on the property.
22. **Stormwater** means water from precipitation that collects on or runs off surfaces such as roofs, buildings, roads, or paved or unpaved land surfaces; that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows, via overland flow, pipes and other features of a stormwater system, into a defined surface water body or constructed infiltration or evaporation facility.
23. **Stormwater system** means any structure or configuration of ground that is used or by its location becomes a place where stormwater flows or is accumulated, including but not limited to dry wells, drill holes, underground galleries, swales, infiltration basins, pipes, curbs, gutters, storm manholes, catch basins, ponds, creeks, open drainage ways, ditches and their appurtenances. **City stormwater system** means the portions of the stormwater system in public rights-of-way, within easements owned by the City, or on City property that are operated and maintained by the City. **Private stormwater system** means any stormwater system that is not a City stormwater system.
24. **Stormwater system maintenance agreement** means a document executed by the property owner that is recorded in the Deschutes County Clerk's office to run with the land, that requires the current and successor owners to maintain the stormwater system on the property so that the system continues to function as planned.
25. **Underground injection control (UIC) system** means any structure or activity that emplaces or discharges fluid (such as stormwater or septic effluent) into the subsurface. Common UIC designs include dry wells, drill holes, trench drains, underground injection galleries, and drain fields.
26. **Wellhead protection area** means an area within 500 feet of an undelineated water well (e.g., drinking or irrigation water); or within the modeled two-year-time-of-travel area for a delineated water well.
27. **WPCF** means "water pollution control facility," which is a disposal system with no discharge to navigable waters.

4.210 GENERAL PROVISIONS

1. Drainage Responsibility

The requirements of this chapter are minimum standards and a person's compliance shall not relieve the person from existing duties relating to stormwater, including those imposed by a discharge permit, or from enacting measures and best management practices necessary to minimize pollution of receiving waters (including groundwater), and minimize threat of localized flooding resulting from increased runoff or impacted drainage systems as a result of development. By approving a plan under this chapter, the City does not accept responsibility for the design, installation, and operation and maintenance of stormwater BMPs unless specifically stated in a separate agreement.

2. Tampering with System

No unauthorized person shall damage, destroy, uncover, alter, deface, or tamper with any facility that is part of the City stormwater system without the written permission from the Director. No authorized person shall fill or divert any portion of the City stormwater system except as authorized by the Director. No person shall diminish the capacity of ponds, swales, channels or ditches by filling them with soil or drain rock.

3. Central Oregon Stormwater Manual

The Central Oregon Stormwater Manual (COSM) is adopted as the design and operation manual for stormwater. All activities and facilities governed by this chapter shall be in compliance with the COSM and the City of Redmond's Public Works Standards and Specifications. The COSM and City of Redmond's Public Works Standards and Specifications may be updated and expanded periodically by the City Engineer. The Director may adopt guidance documents and procedures manuals related to implementation of provisions of this chapter.

4. Severability

If any provision of this code is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

4.220 Regulatory Provisions

1. City Regulatory Compliance

In order to meet Oregon Department of Environmental Quality (ODEQ) and Federal stormwater-related requirements, the Director retains the ability, at a minimum, to:

- A. Implement the ODEQ-approved stormwater permits and associated underground injection control system management plan.
- B. Limit or terminate a nonstormwater discharge to an underground injection system, stormwater system, or surface water body.
- C. Prohibit discharge to an underground injection system from any property or facility that may cause a violation of the conditions of the City's WPCF-UIC permit.
- D. Implement the highest and best practicable methods in accordance with Oregon Administrative Rule 340-040-0020 to protect groundwater quality by reducing or eliminating the movement of pollutants carried in stormwater runoff to groundwater via an underground injection system.
- E. Identify and implement the legal and administrative procedures available to mandate compliance with the conditions of the City's WPCF-UIC permit in ordinances, permits, contracts or orders that involve the discharge of fluids to an underground injection system.
- F. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with the conditions of the City's WPCF-UIC permit.

2. Other Permit Compliance

The prohibition of discharges shall not apply to any discharge already regulated under a WPCF-UIC permit issued by the Oregon Department of Environmental Quality (ODEQ) or by rule authorization, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations. Compliance with an applicable WPCF-UIC permit or rule authorization governing discharges into the UIC shall be considered compliance with this chapter.

3. Regulatory Consistency

No permit or approval issued pursuant to this chapter shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other applicable rule, code, act, permit or ordinance. Compliance with this chapter does not exempt any person from complying with other applicable ordinances, rules, codes, acts or permits. The requirements of this chapter are minimum requirements. If any other ordinance, rule or regulation, or other provision of law also applies, the provisions that are more restrictive or impose higher protective standards shall take precedence.

4. Allowed Discharges

Discharges authorized by the City's WPCF-UIC permit are allowed to be discharged into a storm system.

5. Permit or Regulatory Violations

Any discharge that would cause a violation of the City's WPCF-UIC permit and any amendments, revisions or re-issuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and the City shall seek to have such persons defend, indemnify and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge as provided by applicable rules of law.

6. Responsible Parties

The responsible party for a facility shall comply with applicable State and Federal laws, including UIC authorization by rule or permit, UIC decommissioning, onsite septic system decommissioning, and underground storage tank decommissioning and cleanup. The responsible party shall make compliance records available to the Director within fifteen days of a request.

4.230 Performance Standards for Stormwater Management

1. General Post-Construction Performance Standards

Post-construction stormwater BMPs shall adhere to the following performance standards.

- A. Overland flood routing paths shall be used to safely convey stormwater runoff to an adequate receiving area or stormwater BMP as defined in the COSM, such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation at the structure. When designing the flood routing paths, the conveyance capacity of the property's stormwater conveyance systems shall be taken into consideration.
- B. Stormwater drainage in excess of the predevelopment rates or volumes shall be retained on the lot of origin and not trespass onto the public right-of-way or private property except as provided below:
 1. If (a) the Director determines that retaining the design storm amount of stormwater on the lot of origin would pose a threat to public safety or adjacent properties; or (b)

the developer chooses to direct all or part of the runoff off-site, and there is a conveyance system with adequate capacity; then the runoff or a specified portion thereof may be directed to an off-site drainage facility approved by the Director. The developer must own or have an easement and maintenance agreement in place to use and maintain the off-site drainage facility property.

2. When runoff from non-City-owned property in excess of the predevelopment rates or volumes is directed to or allowed to flow to City-owned property or right-of-way, the owner(s) of the lot(s) of origin shall compensate the City for the costs it incurs for constructing, operating and maintaining the additional stormwater drainage and treatment capacity.

C. If runoff in excess of the predevelopment rates or volumes from a land development will flow to the City stormwater system or other publicly owned stormwater system, then the applicant shall obtain authorization from the system's owner to discharge into the system. The Director may require the applicant to demonstrate that the system has adequate capacity for any increases in peak flow rates and volumes.

D. The Director may require drainage easements where stormwater discharges must cross an adjacent or off-site property before reaching an adequate conveyance.

E. Stormwater facilities within residential subdivisions that serve multiple lots and/or a combination of lots and roadways shall be on a lot owned and maintained by an entity of common ownership, unless an alternative arrangement is approved by the Director. Stormwater facilities located on individual lots shall be maintained by the lot owner or, at the discretion of the Director, be placed within an easement and maintained by an entity of common ownership.

F. All stormwater facilities and conveyance systems shall be designed in compliance with all applicable State and Federal laws and regulations, all applicable erosion and sediment control and floodplain regulations, the COSM and Public Works Standards and Specifications.

G. If hydrologic, geologic, topographic, or land use conditions warrant greater control than that provided by the minimum control requirements, the Director may impose additional requirements deemed reasonable and necessary to control the volume, timing, rate and/or quality of runoff in excess of the predevelopment rates or volumes. In these cases the Director may restrict the use of certain stormwater BMPs, require pretreatment above the minimum standards in the COSM, and/or require a pollution source control plan.

Example conditions that may warrant greater control include, but are not limited to:

1. Stormwater generated within the drainage basins of problem flooding areas as noted on the City's capital improvement project prioritization list;

2. Stormwater discharges that are conveyed with nonstormwater discharges;

3. Stormwater in areas underlaid by naturally impermeable layers; and
4. Stormwater discharged in important groundwater management areas such as wellhead protection areas.

4.240 Private Stormwater System Maintenance

1. Maintenance Responsibility

The property owner or other responsible party shall maintain in properly functioning condition, and promptly repair and restore, all structural and nonstructural parts of a facility's stormwater system. The property owner or other responsible party shall operate the stormwater system to avoid flooding or erosion in excess of what would occur under natural conditions. An improperly maintained or operated private stormwater system that results in flooding or erosion in excess of what would occur in natural conditions is a public nuisance and may be abated by the City as provided in sections 4.280 and 5.345 to 5.357 of this code.

2. Maintenance Records Required

The property owner or other responsible party shall make at least annual inspections of the stormwater facilities and maintain records of such inspections. Stormwater BMP inspection, maintenance, and repair records shall be retained by the owner or their designee for a period of five years, and shall be made available to the Director upon within fifteen days of a request.

3. Stormwater System Maintenance Agreement

The Director may require the responsible party for any privately owned stormwater system to execute and carry out a stormwater system maintenance agreement.

4. Maintenance Inspections

The Director has the right to conduct periodic inspections and photograph all stormwater systems, and to conduct sampling and analysis of liquids and solids related to all stormwater systems, which may be documented in writing. The inspection may document any maintenance and repair needs, and discrepancies from this code or any stormwater system maintenance agreement.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Director has reasonable cause to believe that there exists

in any building or upon any premises any condition that may constitute a violation of the provisions of this chapter, City personnel may inspect buildings or premises and conduct sampling and analysis at any time, provided that:

- A. If the building or premises is occupied, City personnel shall first present proper credentials and request entry.
- B. The Director may seek issuance of a search warrant for the collection and analysis of water and/or soil samples or to obtain access to a building, structure, property, or any part thereof

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter and the WPCF-UIC permit, including, but not limited to, random sampling and/or sampling in areas with evidence of stormwater pollution, illicit discharges, or similar factors.

5. Failure to Provide Adequate Maintenance

In the event that the stormwater system has not been maintained and/or becomes a danger to public safety or public health, the Director shall notify the responsible party personally or by first class, registered or certified mail. The notice shall specify the measures needed to comply with this chapter, and shall specify that the responsible party has 30 days (except in the event that the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to complete the necessary measures to comply with this chapter.

4.250 Illicit Discharge Controls

1. General Requirements and Prohibitions

- A. No person shall discharge any sewage, pollutants or hazardous materials into a stormwater system.
- B. No person shall deposit any pollutant in any fountain, pond, lake, canal, stream, creek or any other body of water, except as otherwise permitted under local, State or Federal law.
- C. It is prohibited to establish, use, maintain, or continue illicit drainage connections or discharges to any public or private stormwater system, or any UIC. Storage or dumping materials where they may enter a storm system is prohibited under Federal, State, and local laws and is an illicit discharge.
- D. No person shall deposit, leave, maintain, or permit to be deposited, left or maintained, any refuse, rubbish, garbage, debris, sediment, or other discarded or abandoned

objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, dry well or drill hole inlet, catch basin, conduit or other drainage structures, parking area, or upon any public or private plot of land so that the same might be or become a pollutant, except where such pollutant is being temporarily stored in properly contained waste receptacles or is part of a well-defined compost system.

E. No person shall cause or permit any dumpster, solid waste bin, or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, parking lot, storm drain, dry well or drill hole inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private plot of land.

F. The occupant or tenant, the owner, lessee, or proprietor of any real property in the City where there is located a paved sidewalk, drive, or parking area shall maintain said paved surface free of dirt or litter, and provide an adequate means for the disposal of refuse, rubbish, garbage, or other articles so as to prevent such matter from entering a storm drain facility. Sweepings from paved areas shall be disposed of properly.

2. Discharges from Specific Sites

A. Surface Cleaning of Parking Lots and Similar Structures. Persons owning or operating a paved parking lot, gas station pavement, paved private street or road, or similar structure or conducting routine building or surface wash downs shall clean and maintain those surfaces and structures to avoid discharges prohibited by this chapter.

B. Outdoor Storage Areas – Commercial and Industrial Facilities. In outdoor areas, no person shall store grease, oil or hazardous substances in a manner that will or may result in such substances entering a storm system. In outdoor areas, no person shall store motor vehicles or parts, machine parts, or other objects in a manner that may leak grease, oil, or hazardous substances to a storm system. To prevent the discharge of contaminants to the public or private stormwater systems, the Director may require the installation of a spill containment system. Spill containment systems may consist of dikes, walls, barriers, berms, or other devices as required. No person shall operate a spill containment system such that it allows incompatible materials to mix and thereby create a hazardous condition.

3. Training and Notifications by Responsible Parties

All responsible parties shall comply with applicable State and Federal laws involving training and notification related to illicit discharges, including without limitation facility personnel training, training record maintenance, maintenance of notification procedures, and implementation of notification requirements for spill response to assure containment, cleanup, and immediate notification to the owner and operator of the stormwater utility or

UIC. Individuals responsible for spills shall comply with applicable State and Federal notification requirements to assure containment, cleanup, and immediate notification to the owner and operator of the stormwater utility or UIC.

4.280 Enforcement

Violation of provisions or performance standards authorized or contained in this chapter are subject to the following enforcement actions.

1. Administrative Enforcement Remedies.

- A. Withholding Approvals. The City may withhold related approvals including, but not limited to, acceptance of public improvements, for projects that are not in compliance with one or more provisions of this chapter.
- B. Notification of Violation. When the Director determines that a property owner has violated or continues to violate any provision of this chapter, the Director may serve upon the owner a written notice of violation (NOV) describing the violation. Within fifteen days of the receipt of the notice, an explanation of how the violation was rectified or a plan for the satisfactory correction and prevention, to include specific actions, shall be submitted by the property owner to the Director. Submission of this plan does not relieve the owner of liability for any violations occurring before or after receipt of the NOV. Nothing in this chapter shall limit the authority of the Director to take any action, including emergency actions, stop work orders, or any other enforcement action, without first issuing a NOV.
- C. Consent Orders. The Director may enter into voluntary compliance agreements, as consent orders, with any property owner responsible for noncompliance. The consent order will include specific action to be taken by the owner to correct the noncompliance within a time period specified by the agreement and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the property owner.
- D. Cease and Desist Orders. When the Director determines that a property owner has violated (or continues to violate) any provision of this chapter, or that the owner's past violations are likely to recur, the Director may, in addition to other remedies provided by this chapter, issue an order to the property owner identifying the violation(s) and directing the property owner to:
1. Cease and desist all violations;
 2. Immediately comply with all requirements; and
 3. Take appropriate remedial or preventive action as needed to properly address the

violation, including, without limitation, halting land clearing, grading or other land development actions.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the property owner.

E. Administrative Penalties.

1. Violation of a requirement in Section 4.200 through 4.280 of this code is a Class A administrative infraction. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, the Director may fine such User. Such fines shall be assessed on a per-violation, per-day basis.
2. Administrative penalties will be processed according to Sections 2.786 to 2.799 of this code.

2. Judicial Enforcement Remedies.

A. Injunctive Relief. The Director may seek a temporary or permanent injunction from the Circuit Court for Deschutes County to restrain or compel specific performance of requirements imposed or authorized by this chapter on the property owner. The Director may also initiate other action for legal and/or equitable relief, including a requirement for the property owner to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a property owner.

B. Remedies Nonexclusive. The provisions in this section are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant property owner or other responsible person. The City is empowered to take more than one enforcement action against any noncompliant property owner or other responsible person. These actions may be taken concurrently.

3. Other Enforcement. The Director may recover reasonable costs and other expenses, including sampling and monitoring expenses and the cost of any actual damages and/or cleanup, incurred by the City due to violations of this ordinance.

SEWER SERVICE

4.300 Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in Sections 4.300 to 4.348 shall have the meanings hereinafter designated:



CITY OF REDMOND

716 SW Evergreen Ave
Redmond, OR 97756

(541) 923-7710
Fax: (541) 548-0706
info@ci.redmond.or.us
www.ci.redmond.or.us

STAFF REPORT

DATE: July 22, 2014
TO: Mayor and Council Members
THROUGH: Keith Witcosky, City Manager
FROM: Jeff Tripp, Airport Director
SUBJECT: Suspension of Implementation of a City-Operated Fueling Service

Addresses Council Goal:

1. SUSTAIN OPERATIONS

Provide or enhance current levels of operations in all facets of municipal service delivery.

5. REDMOND AIRPORT / ROBERTS FIELD

A. Promote business activities on airport lands located inside the fence line.

iii. Continue to aggressively pursue physical improvements to airport facilities and enhance customer service in its operations.

Report in Brief: Request authorization to suspend efforts for implementation of a City operated fueling service at Redmond Municipal Airport as directed by Council Resolution 2014-02.

Background: On May 27, 2014, Redmond City Council unanimously directed the City Manager to analyze the needs and costs of establishing City-operated fueling services at the Airport. On June 10, 2014, Council gave further direction to immediately take the necessary steps to prepare and implement the City-operated fueling service and have it fully functional no later than July 27, 2014.

The need to implement a City-operated fueling service resulted from a lack of progress over the past several years in resolving various lease issues with KC Aero and Butler Aircraft Service. In addition, the lease between the City and Butler for their lease property on the north side of the airport ends on July 27, 2014; this end date includes a 12-month extension to the original lease termination date.

Discussion: On July 2, 2014, the Airport Director and legal counsel met with representatives from KC Aero, Butler Aircraft Services and their respective legal counsels to provide a final opportunity to resolve the issues between all parties regarding the lease/subleases, operating agreements, compliance with new minimum standards, etc., prior to the City initiating fuel service operations.

The result of this meeting was the development of a Memorandum of Understanding (MOU) to address and resolve the issues as agreed upon by all parties. On the assumption that KC Aero and Butler Aircraft Services will agree and adhere to the final Settlement Agreement

terms and conditions, the City agreed (subject to Council approval) to suspend efforts to implement the City fuel service operation with the understanding that the City is not relinquishing our right to provide fuel service in the future.

Fiscal Impact:

The Airport has incurred costs associated with start-up activities to include the design of a temporary aviation fuel storage facility, purchase of materials and supplies, permits, contractor time and materials costs, etc. Staff is continuing to complete those items already underway to bring development activities to a reasonable stopping point and will incur some additional expenditure of airport funds.

Alternative Courses of Action:

Council declines to approve the suspension and directs staff to continue with the implementation of the City-operated fueling service with a revised start date to be determined by staff.

Recommendation/Suggested Motion:

"I move to adopt Resolution #2014-17 which directs the City Manager to suspend the implementation of a City-operated fueling service at Redmond Municipal Airport. The City reserves the right to resume these efforts should the final settlement agreement between the City, KC Aero and Butler Aircraft Services fail to reach a successful and sustained resolution."

Jeffrey S. Tripp, A.A.E.
Airport Director

**CITY OF REDMOND
RESOLUTION NO. 2014-17**

A RESOLUTION OF THE CITY OF REDMOND DIRECTING THE CITY MANAGER OR DESIGNATED STAFF TO SUSPEND THE IMPLEMENTATION OF A CITY-OPERATED FUELING SERVICE AT ROBERTS FIELD – REDMOND MUNICIPAL AIRPORT.

WHEREAS, the Redmond Municipal Airport is a full service airport providing commercial air service and general aviation that are critical to the residents and to the economic development of the region; and

WHEREAS, City Council Goals for FY 2014/15 include the Airport establishing a professional and modernized business environment which includes rules and regulations, leasing policies, minimum standards and other practices which are common in airports of our size across the United States; and

WHEREAS, on May 13, 2014 Redmond City Council unanimously approved the adoption of Minimum Standards; and

WHEREAS, these Standards are intended to provide fair and reasonable rules to govern the conduct of Commercial Aeronautical activity at Redmond Municipal Airport including, but not limited to, aircraft fueling; and

WHEREAS, the current fixed based operators have been deemed unable to adequately provide level and quality of services; and

WHEREAS, City Council took further action on May 27 and June 10, 2014, which directed the City Manager to take the necessary steps to prepare and implement a City operated fueling service at Redmond Municipal Airport and have it be fully functional no later than July 27, 2014; and

WHEREAS, since that time, the City has had extensive discussions with Butler Aircraft Service and KC Aero; and

WHEREAS, final negotiations between the City, KC Aero and Butler Aircraft Service have resulted in a Settlement Agreement to address and resolve those issues.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDMOND, OREGON, AS FOLLOWS:

SECTION ONE: The Redmond City Council directs the City Manager or designated staff to suspend the implementation of a City-operated fueling service at Roberts Field – Redmond Municipal Airport.

SECTION TWO: The City reserves the right to resume these efforts should the final settlement agreement fail to reach a successful and sustained resolution.

SECTION THREE: This Resolution shall be deemed effective upon adoption.

ADOPTED by the City Council and **SIGNED** by the Mayor this 22nd day of July, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder